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2d Session }

SENATE

{ REPORT
118-336

ENERGY PERMITTING REFORM ACT OF 2024

DECEMBER 19 (legislative day, DECEMBER 16), 2024.—Ordered to be printed

Mr. MANCHIN, from the Committee on Energy and Natural Resources, submitted the following

R E P O R T

[To accompany S. 4753]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 4753), to reform leasing, permitting, and judicial review for certain energy and mineral projects, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Energy Permitting Reform Act of 2024”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ACCELERATING CLAIMS

Sec. 101. Accelerating claims.

TITLE II—FEDERAL ONSHORE ENERGY LEASING AND PERMITTING

Sec. 201. Onshore oil and gas leasing.

Sec. 202. Term of application for permit to drill.

Sec. 203. Permitting compliance on non-Federal land.

Sed. 204. Coal leases on Federal land.

Sec. 205. Rights-of-way across Indian land.

Sec. 206. Accelerating renewable energy permitting.

Sec. 207. Improving renewable energy coordination on Federal land.

Sed. 208. Geothermal leasing and permitting improvements.

Sec. 209. Electric grid projects.

Sec. 210. Hardrock mining mill sites.

TITLE III—FEDERAL OFFSHORE ENERGY LEASING AND PERMITTING

- Sec. 301. Offshore oil and gas leasing.
- Sec. 302. Offshore wind energy.

TITLE IV—ELECTRIC TRANSMISSION

- Sec. 401. Transmission permitting.
- Sec. 402. Transmission planning.

TITLE V—ELECTRIC RELIABILITY

- Sec. 501. Reliability assessments.

TITLE VI—LIQUEFIED NATURAL GAS EXPORTS

- Sec. 601. Action on applications.
- Sec. 602. Supplemental reviews.

TITLE VII—HYDROPOWER

- Sec. 701. Hydropower license extensions.
- Sec. 702. Identifying and removing market barriers to hydropower.
- Sec. 703. Regulations to align timetables.

TITLE VIII—HIRING AND RETENTION

- Sec. 801. Federal Energy Regulatory Commission staffing.
- Sec. 802. Compensation flexibility to address retention and hiring issues at the Bonneville Power Administration.
- Sec. 803. Northwest Power and Conservation Council.
- Sec. 804. Federal Energy Regulatory Commission personnel safety.

TITLE I—ACCELERATING CLAIMS

SEC. 101. ACCELERATING CLAIMS.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZATION.—

(A) IN GENERAL.—The term “authorization” means any license, permit, approval, order, or other administrative decision that is required or authorized under Federal law (including regulations) to design, plan, site, construct, reconstruct, or commence operations of a project.

(B) INCLUSIONS.—The term “authorization” includes—

(i) agency approvals of lease sales, permits, rights-of-way, or plans required to explore for, develop, or produce energy or minerals under—

(I) the Mineral Leasing Act (30 U.S.C. 181 et seq.);

(II) the Act of August 7, 1947 (commonly known as the “Mineral Leasing Act for Acquired Lands”) (30 U.S.C. 351 et seq.);

(III) the Act of July 31, 1947 (commonly known as the “Materials Act of 1947”) (61 Stat. 681, chapter 406; 30 U.S.C. 601 et seq.);

(IV) sections 2319 through 2344 of the Revised Statutes (commonly known as the “Mining Law of 1872”) (30 U.S.C. 22 et seq.);

(V) the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.);

(VI) the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.);

(VII) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

(VIII) title I of the Naval Petroleum Reserves Production Act (42 U.S.C. 6501 et seq.);

(ii) statements or permits for a project under sections 7 and 10 of the Endangered Species Act of 1973 (16 U.S.C. 1536, 1539); and

(iii) agency approvals under the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6501 et seq.) of hazardous fuel reduction and forest restoration projects.

(2) ENVIRONMENTAL DOCUMENT.—The term “environmental document” includes any of the following, as prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.):

(A) An environmental assessment.

(B) A finding of no significant impact.

(C) An environmental impact statement.

(D) A record of decision.

(3) PROJECT.—The term “project” means a project—

(A) proposed for—

- (i) the construction of infrastructure—
 - (I) to develop, produce, generate, store, transport, or distribute energy;
 - (II) to capture, remove, transport, or store carbon dioxide; or
 - (III) to mine, extract, beneficiate, or process minerals; or
- (ii) hazardous fuel reduction and forest restoration for the protection of infrastructure or communities from wildfire; and
- (B) subject to the requirements that—
 - (i) an environmental document be prepared; and
 - (ii) the applicable agency issue an authorization of the activity.
- (4) PROJECT SPONSOR.—The term “project sponsor” means an entity, including any private, public, or public-private entity, seeking an authorization for a project.
- (b) STATUTE OF LIMITATIONS.—Notwithstanding any other provision of law, a civil action arising under Federal law seeking judicial review of a final agency action granting or denying an authorization shall be barred unless the civil action is filed by the date that is 150 days after the date on which the authorization was granted or denied, unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed.
- (c) EXPEDITED REVIEW.—A reviewing court shall set for expedited consideration any civil action arising under Federal law seeking judicial review of a final agency action granting or denying an authorization.
- (d) REMANDED ACTIONS.—
 - (1) IN GENERAL.—If the reviewing court remands a final Federal agency action granting or denying an authorization to the Federal agency for further proceedings, whether on a motion by the court, the agency, or another party, the court shall set a reasonable schedule and deadline for the agency to act on remand, which shall not exceed 180 days from the date on which the order of the court was issued, unless a longer time period is necessary to comply with applicable law.
 - (2) EXPEDITED TREATMENT OF REMANDED ACTIONS.—The head of the Federal agency to which a court remands a final Federal agency action under paragraph (1) shall take such actions as may be necessary to provide for the expeditious disposition of the action on remand in accordance with the schedule and deadline set by the court under that paragraph.
- (e) TREATMENT OF SUPPLEMENTAL OR REVISED ENVIRONMENTAL DOCUMENTS.—For the purpose of subsection (b), the preparation of a supplemental or revised environmental document, when required, shall be considered to be a separate final agency action.
- (f) NOTICE.—Not later than 30 days after the date on which an agency is served a copy of a petition for review or a complaint in a civil action described in subsection (b), the head of the agency shall notify the project sponsor of the filing of the petition or complaint.
- (g) PERMITTING COUNCIL.—Nothing in this title precludes a project from being designated as a covered project (as defined in section 41001 of the FAST Act (42 U.S.C. 4370m)) for the purposes of title XLI of that Act (42 U.S.C. 4370m et seq.).

TITLE II—FEDERAL ONSHORE ENERGY LEASING AND PERMITTING

SEC. 201. ONSHORE OIL AND GAS LEASING.

(a) LIMITATION ON ISSUANCE OF CERTAIN LEASES OR RIGHTS-OF-WAY.—Section 50265(b)(1)(B) of Public Law 117–169 (43 U.S.C. 3006(b)(1)(B)) is amended, in the matter preceding clause (i), by inserting “, including only acres that were nominated in previously submitted expressions of interest,” after “energy development”.

(b) MINERAL LEASING ACT REFORMS.—

(1) EXPRESSIONS OF INTEREST FOR OIL AND GAS LEASING.—Section 17(b) of the Mineral Leasing Act (30 U.S.C. 226(b)) is amended by adding at the end the following:

“(3) SUBDIVISION.—

“(A) IN GENERAL.—A parcel of land included in an expression of interest that the Secretary of the Interior offers for lease shall be leased as nominated and not subdivided into multiple parcels unless the Secretary of the Interior determines that a subpart of the submitted parcel is not open to oil or gas leasing under the approved resource management plan.

“(B) REQUIRED REVIEWS.—Nothing in this paragraph affects the obligations of the Secretary of the Interior to complete requirements and reviews established by other provisions of law before leasing a parcel of land.

“(4) RESOURCE MANAGEMENT PLANS.—

“(A) LEASE TERMS AND CONDITIONS.—A lease issued under this section shall be subject to the terms and conditions of the approved resource management plan.

“(B) EFFECT OF LEASING DECISION.—Notwithstanding section 1506.1 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this paragraph), the Secretary may conduct a lease sale under an approved resource management plan while amendments to the approved plan are under consideration.”.

(2) REFUND OF EXPRESSION OF INTEREST FEE.—Section 17(q) of the Mineral Leasing Act (30 U.S.C. 226(q)) is amended—

(A) by striking “Secretary” each place it appears and inserting “Secretary of the Interior”;

(B) in paragraph (1), by striking “nonrefundable”; and

(C) by adding at the end the following:

“(3) REFUND FOR NONWINNING BID.—If a person other than the person who submitted the expression of interest is the highest responsible qualified bidder for a parcel of land covered by the applicable expression of interest in a lease sale conducted under this section—

“(A) as a condition of the issuance of the lease, the person who is the highest responsible qualified bidder shall pay to the Secretary of the Interior an amount equal to the applicable fee paid by the person who submitted the expression of interest; and

“(B) not later than 60 days after the date of the lease sale, the Secretary of the Interior shall refund to the person who submitted the expression of interest an amount equal to the amount of the initial fee paid.

“(4) REFUNDABILITY.—Except as provided in paragraph (3)(B), the fee assessed under paragraph (1) shall be nonrefundable.”.

SEC. 202. TERM OF APPLICATION FOR PERMIT TO DRILL.

Section 17(p) of the Mineral Leasing Act (30 U.S.C. 226(p)) is amended by adding at the end the following:

“(4) TERM.—

“(A) IN GENERAL.—A permit to drill approved under this subsection shall be valid for a single non-renewable 4-year period beginning on the date of the approval.

“(B) RETROACTIVITY.—In addition to all approved applications for permits to drill submitted on or after the date of enactment of this paragraph, subparagraph (A) shall apply to—

“(i) all valid, unexpired permits in effect on the date of enactment of this paragraph; and

“(ii) all pending applications for permit to drill submitted prior to the date of enactment of this paragraph.”.

SEC. 203. PERMITTING COMPLIANCE ON NON-FEDERAL LAND.

(a) IN GENERAL.—Notwithstanding the Mineral Leasing Act (30 U.S.C. 181 et seq.), the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.), or subpart 3162 of part 3160 of title 43, Code of Federal Regulations (or successor regulations), but subject to any applicable State or Tribal requirements and subsection (c), the Secretary of the Interior shall not require a permit to drill for an oil and gas lease under the Mineral Leasing Act (30 U.S.C. 181 et seq.) for an action occurring within an oil and gas drilling or spacing unit if—

(1) the Federal Government—

(A) owns less than 50 percent of the minerals within the oil and gas drilling or spacing unit; and

(B) does not own or lease the surface estate within the area directly impacted by the action;

(2) the well is located on non-Federal land overlying a non-Federal mineral estate, but some portion of the wellbore enters and produces from the Federal mineral estate subject to the lease; or

(3) the well is located on non-Federal land overlying a non-Federal mineral estate, but some portion of the wellbore traverses but does not produce from the Federal mineral estate subject to the lease.

(b) NOTIFICATION.—For each State permit to drill or drilling plan that would impact or extract oil and gas owned by the Federal Government—

(1) each lessee of Federal minerals in the unit, or designee of a lessee, shall—

(A) notify the Secretary of the Interior of the submission of a State application for a permit to drill or drilling plan on submission of the application; and

- (B) provide a copy of the application described in subparagraph (A) to the Secretary of the Interior not later than 5 days after the date on which the permit or plan is submitted;
 - (2) each lessee, designee of a lessee, or applicable State shall notify the Secretary of the Interior of the approved State permit to drill or drilling plan not later than 45 days after the date on which the permit or plan is approved; and
 - (3) each lessee or designee of a lessee shall provide, prior to commencing drilling operations, agreements authorizing the Secretary of the Interior to enter non-Federal land, as necessary, for inspection and enforcement of the terms of the Federal lease.
- (c) **NONAPPLICABILITY TO INDIAN LANDS.**—Subsection (a) shall not apply to Indian lands (as defined in section 3 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1702)).
- (d) **EFFECT.**—Nothing in this section affects—
- (1) other authorities of the Secretary of the Interior under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.); or
 - (2) the amount of royalties due to the Federal Government from the production of the Federal minerals within the oil and gas drilling or spacing unit.
- (e) **AUTHORITY ON NON-FEDERAL LAND.**—Section 17(g) of the Mineral Leasing Act (30 U.S.C. 226(g)) is amended—
- (1) by striking the subsection designation and all that follows through “Secretary of the Interior, or” in the first sentence and inserting the following:
 - “(g)(1) The Secretary of the Interior, or”; and
 - (2) by adding at the end the following:
 - “(2)(A) In the case of an oil and gas lease under this Act on land described in subparagraph (B) located within an oil and gas drilling or spacing unit, nothing in this Act authorizes the Secretary of the Interior—
 - “(i) to require a bond to protect non-Federal land;
 - “(ii) to enter non-Federal land without the consent of the applicable landowner;
 - “(iii) to impose mitigation requirements; or
 - “(iv) to require approval for surface reclamation.
- “(B) Land referred to in subparagraph (A) is land where—
- “(i) the Federal Government—
 - “(I) owns less than 50 percent of the minerals within the oil and gas drilling or spacing unit; and
 - “(II) does not own or lease the surface estate within the area directly impacted by the action;
 - “(ii) the well is located on non-Federal land overlying a non-Federal mineral estate, but some portion of the wellbore enters and produces from the Federal mineral estate subject to the lease; or
 - “(iii) the well is located on non-Federal land overlying a non-Federal mineral estate, but some portion of the wellbore traverses but does not produce from the Federal mineral estate subject to the lease.”.

SEC. 204. COAL LEASES ON FEDERAL LAND.

- (a) **DEADLINES.**—
- (1) **IN GENERAL.**—Section 2(a) of the Mineral Leasing Act (30 U.S.C. 201(a)) is amended—
- (A) in paragraph (1), in the first sentence, by striking “he shall, in his discretion, upon the request of any qualified applicant or on his own motion from time to time” and insert “the Secretary shall, at the discretion of the Secretary but subject to paragraph (6), on the request of any qualified applicant or on a motion by the Secretary”; and
 - (B) by adding at the end the following:
 - “(6) **DEADLINES.**—
 - “(A) **APPLICANT MOTION.**—Not later than 90 days after the date on which a request of a qualified applicant is received for a lease sale under paragraph (1), or for a lease modification under section 3, the Secretary of the Interior shall commence all necessary consultations and reviews required under Federal law in accordance with that paragraph or section, as applicable.
 - “(B) **DECISION.**—Not later than 90 days after the completion of an environmental impact statement or environmental assessment consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a lease sale under paragraph (1), or for a lease modification under section 3, the Secretary of the Interior shall issue a record of decision or a finding of no significant impact for the lease sale or lease modification.

“(C) FAIR MARKET VALUE.—Not later than 30 days after the date on which the Secretary of the Interior issues a record of decision or a finding of no significant impact under subparagraph (B) for a lease sale under paragraph (1), or for a lease modification under section 3, the Secretary shall determine the fair market value of the coal subject to the lease.”.

(2) LEASE MODIFICATIONS.—Section 3(b) of the Mineral Leasing Act (30 U.S.C. 203(b)) is amended by striking “The Secretary shall prescribe” and inserting “Subject to section 2(a)(6), the Secretary shall prescribe”.

(b) CONFORMING AMENDMENTS.—Section 2(a)(1) of the Mineral Leasing Act (30 U.S.C. 201(a)(1)) is amended—

(1) in the first sentence—

(A) by striking “he finds appropriate” and inserting “the Secretary of the Interior finds appropriate”; and

(B) by striking “he deems appropriate” and inserting “the Secretary of the Interior determines to be appropriate”;

(2) in the sixth sentence, by striking “Prior to his determination” and inserting “Prior to a determination by the Secretary of the Interior”;

(3) in the seventh sentence—

(A) by striking “to make public his judgment” and inserting “to make public the judgment of the Secretary of the Interior”; and

(B) by striking “comments he receives” and inserting “comments received by the Secretary of the Interior”; and

(4) in the eighth sentence, by striking “He is hereby authorized” and inserting “The Secretary of the Interior is authorized”.

(c) TECHNICAL CORRECTION.—Section 2(b)(3) of the Mineral Leasing Act (30 U.S.C. 201(b)(3)) is amended, in the first sentence, by striking “geophysical” and inserting “geophysical”.

SEC. 205. RIGHTS-OF-WAY ACROSS INDIAN LAND.

The Act of February 5, 1948 (62 Stat. 17, chapter 45), is amended—

(1) in the first section (62 Stat. 17, chapter 45; 25 U.S.C. 323), by striking “That the Secretary of the Interior be, and he is hereby, empowered to” and inserting the following:

“SECTION 1. RIGHTS-OF-WAY FOR ALL PURPOSES ACROSS INDIAN LAND.

“The Secretary of the Interior may”;

(2) in section 2 (62 Stat. 18, chapter 45; 25 U.S.C. 324), by striking “organized under the Act of June 18, 1934 (48 Stat. 984), as amended; the Act of May 1, 1936 (49 Stat. 1250); or the Act of June 26, 1936 (49 Stat. 1967),”; and

(3) by adding at the end the following:

“SEC. 8. TRIBAL GRANTS OF RIGHTS-OF-WAY.

“(a) RIGHTS-OF-WAY.—

“(1) IN GENERAL.—Subject to paragraph (2), an Indian tribe may grant a right-of-way over and across the Tribal land of the Indian tribe for any purpose.

“(2) AUTHORITY.—A right-of-way granted under paragraph (1) shall not require the approval of the Secretary of the Interior or a grant by the Secretary of the Interior under section 1 if the right-of-way granted under that paragraph is executed in accordance with a Tribal regulation approved by the Secretary of the Interior under subsection (b).

“(b) REVIEW OF TRIBAL REGULATIONS.—

“(1) TRIBAL REGULATION SUBMISSION AND APPROVAL.—

“(A) SUBMISSION.—An Indian tribe seeking to grant a right-of-way under subsection (a) shall submit for approval a Tribal regulation governing the granting of rights-of-way over and across the Tribal land of the Indian tribe.

“(B) APPROVAL.—Subject to paragraph (2), the Secretary of the Interior shall have the authority to approve or disapprove any Tribal regulation submitted under subparagraph (A).

“(2) CONSIDERATIONS FOR APPROVAL.—

“(A) IN GENERAL.—The Secretary of the Interior shall approve a Tribal regulation submitted under paragraph (1)(A), if the Tribal regulation—

“(i) is consistent with any regulations (or successor regulations) issued by the Secretary of the Interior under section 6;

“(ii) provides for an environmental review process that includes—

“(I) the identification and evaluation of any significant impacts the proposed action may have on the environment; and

“(II) a process for ensuring—

“(aa) that the public is informed of, and has a reasonable opportunity to comment on, any significant environmental im-

pacts of the proposed action identified by the Indian tribe under subclause (I); and

“(bb) the Indian tribe provides a response to each relevant and substantive public comment on the significant environmental impacts identified by the Indian tribe under subclause (I) before the Indian tribe approves the right-of-way.

“(B) APPLICABLE LAWS.—The Secretary of the Interior, in making a decision to approve a Tribal regulation under this subsection, shall not be subject to—

“(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(ii) section 306108 of title 54, United States Code; or

“(iii) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

“(3) REVIEW PROCESS.—

“(A) IN GENERAL.—Not later than 180 days after the date on which the Indian tribe submits a Tribal regulation to the Secretary of the Interior under paragraph (1)(A), the Secretary of the Interior shall—

“(i) review the Tribal regulation;

“(ii) approve or disapprove the Tribal regulation; and

“(iii) notify the Indian tribe that submitted the Tribal regulation of the approval or disapproval.

“(B) WRITTEN DOCUMENTATION.—If the Secretary of the Interior disapproves a Tribal regulation submitted under paragraph (1)(A), the Secretary of the Interior shall include with the disapproval notification under subparagraph (A)(iii) written documentation describing the basis for the disapproval.

“(C) EXTENSION.—The Secretary of the Interior may, after consultation with the Indian tribe that submitted a Tribal regulation under paragraph (1)(A), extend the 180-day period described in subparagraph (A).

“(4) FEDERAL ENVIRONMENTAL REVIEW.—Notwithstanding paragraphs (2) and (3), if an Indian tribe carries out a project or activity funded by a Federal agency, the Indian tribe may rely on the environmental review process of the applicable Federal agency rather than any Tribal environmental review process required under this subsection.

“(c) DOCUMENTATION.—An Indian tribe granting a right-of-way under subsection (a) shall provide to the Secretary of the Interior—

“(1) a copy of the right-of-way, including any amendments or renewals; and

“(2) if the right-of-way allows for compensation to be made directly to the Indian tribe, documentation of payments that are sufficient, as determined by the Secretary of the Interior, as to enable the Secretary of the Interior to discharge the trust responsibility of the United States under subsection (d).

“(d) TRUST RESPONSIBILITY.—

“(1) IN GENERAL.—The United States shall not be liable for losses sustained by any party to a right-of-way granted under subsection (a).

“(2) AUTHORITY OF THE SECRETARY.—

“(A) IN GENERAL.—Pursuant to the authority of the Secretary of the Interior to fulfill the trust obligation of the United States to the applicable Indian tribe under Federal law (including regulations), the Secretary of the Interior may, on reasonable notice from the applicable Indian tribe and at the discretion of the Secretary of the Interior, enforce the provisions of, or cancel, any right-of-way granted by the Indian tribe under subsection (a).

“(B) AUTHORITY.—The enforcement or cancellation of a right-of-way under subparagraph (A) shall be conducted using regulatory procedures issued under section 6.

“(e) COMPLIANCE.—

“(1) IN GENERAL.—An interested party, after exhaustion of any applicable Tribal remedies, may submit a petition to the Secretary of the Interior, at such time and in such form as determined by the Secretary of the Interior, to review the compliance of an applicable Indian tribe with a Tribal regulation approved by the Secretary of the Interior under subsection (b).

“(2) VIOLATIONS.—If the Secretary of the Interior determines that a Tribal regulation was violated after conducting a review under paragraph (1), the Secretary of the Interior may take any action the Secretary of the Interior determines to be necessary to remedy the violation, including rescinding the approval of the Tribal regulation and reassuming responsibility for approving rights-of-way through the trust land of the applicable Indian tribe.

“(3) DOCUMENTATION.—If the Secretary of the Interior determines that a Tribal regulation was violated after conducting a review under paragraph (1), the Secretary of the Interior shall—

“(A) provide written documentation, with respect to the Tribal regulation that has been violated, to the appropriate interested party and Indian tribe;

“(B) provide the applicable Indian tribe with a written notice of the alleged violation; and

“(C) prior to the exercise of any remedy, including rescinding the approval for the applicable Tribal regulation or reassuming responsibility for approving rights-of-way through the trust land of the applicable Indian tribe, provide the applicable Indian tribe with—

“(i) a hearing that is on the record; and

“(ii) a reasonable opportunity to cure the alleged violation.

“(f) SAVINGS CLAUSE.—Nothing in this section affects the application of any Tribal regulations issued under Federal environmental law.

“(g) EFFECT OF TRIBAL REGULATIONS.—An approved Tribal regulation under subsection (b) shall not preclude an Indian tribe from, in the discretion of the Indian tribe, consenting to the grant of a right-of-way by the Secretary of the Interior under section 1.

“(h) TERMS OF RIGHT-OF-WAY.—The compensation for, and terms of, a right-of-way granted under subsection (a) will be determined by—

“(1) negotiations by the Indian tribe; or

“(2) the regulations of the Indian tribe.

“(i) JURISDICTION.—The grant of a right-of-way under subsection (a) does not waive the sovereign immunity of the Indian tribe or diminish the jurisdiction of that Indian tribe over the Tribal land subject to the right-of-way, unless otherwise provided in—

“(1) the grant of the right-of-way; or

“(2) the regulations of the Indian tribe.”.

SEC. 206. ACCELERATING RENEWABLE ENERGY PERMITTING.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE PROJECT.—The term “eligible project” has the meaning given the term in section 3101 of the Energy Act of 2020 (43 U.S.C. 3001).

(2) PREVIOUSLY DISTURBED OR DEVELOPED.—The term “previously disturbed or developed” has the meaning given the term in section 1021.410(g)(1) of title 10, Code of Federal Regulations (or successor regulations).

(b) DEADLINE FOR CONSIDERATION OF APPLICATIONS FOR RIGHTS-OF-WAY.—

(1) COMPLETENESS OF REVIEW.—

(A) IN GENERAL.—Not later than 30 days after the date on which the Secretary of the Interior or the Secretary of Agriculture, as applicable, receives an application for a right-of-way under section 501 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761) for an eligible project, the applicable Secretary shall—

(i) notify the applicant that the application is complete; or

(ii) notify the applicant that information is missing from the application and specify any information that is required to be submitted for the application to be complete.

(B) ENVIRONMENTAL IMPACT STATEMENT.—For an eligible project that requires an environmental impact statement for an application submitted under subparagraph (A), the Secretary of the Interior or the Secretary of Agriculture, as applicable, shall issue a notice of intent not later than 90 days after the date on which the applicable Secretary determines that an application is complete under subparagraph (A).

(2) COST RECOVERY AND ISSUANCE OR DEFERRAL.—

(A) IN GENERAL.—Not later than 30 days after the date on which an applicant submits a complete application for a right-of-way under paragraph (1), the Secretary of the Interior or the Secretary of Agriculture, as applicable, shall, if a cost recovery agreement is required under section 2804.14 of title 43, Code of Federal Regulations (or successor regulations), or section 251.58 of title 36, Code of Federal Regulations (or successor regulations), issue a cost recovery agreement.

(B) DECISION.—Not later than 30 days after the date on which an applicant submits a complete application for a right-of-way under paragraph (1), the Secretary of the Interior or the Secretary of Agriculture, as applicable, shall—

(i) grant or deny the application, if the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other applicable law have been completed; or

(ii) defer the decision on the application and provide to the applicant notice—

(I) that specifies steps that the applicant can take for the decision on the application to be issued; and

(II) of a list of actions that need to be taken by the agency in order to comply with applicable law, and timelines and deadlines for completing those actions.

(c) **LOW DISTURBANCE ACTIVITIES FOR RENEWABLE ENERGY PROJECTS.—**

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, to facilitate timely permitting of eligible projects, the Secretary of the Interior and the Secretary of Agriculture shall each develop or adopt 1 or more categorical exclusions, including allowing for extraordinary circumstances under which the categorical exclusion shall not be available, under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for low disturbance activities necessary for renewable energy projects.

(2) **ACTIVITIES DESCRIBED.**—Low disturbance activities referred to in paragraph (1) are the following:

(A) Individual surface disturbances of less than 5 acres that have undergone site-specific analysis in a document prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that has been previously completed.

(B) Activities at a location at which the same type of activity has previously occurred within 5 years prior to the date of commencement of the activity.

(C) Activities on previously disturbed or developed land for which an approved land use plan or any environmental document prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) analyzed such activity as reasonably foreseeable, so long as such plan or document was approved within 5 years prior to the date of the activity.

(D) The installation, modification, operation, or removal of commercially available solar photovoltaic systems located on—

(i) a building or other structure (such as a rooftop, parking lot, or facility, or mounted to signage, lighting, gates, or fences); or

(ii) previously disturbed or developed land comprising less than 10 acres.

(E) Maintenance of a minor activity, other than any construction or major renovation, or a building or facility.

(F) Preliminary geotechnical investigations.

(G) The construction and removal of meteorological evaluation towers.

SEC. 207. IMPROVING RENEWABLE ENERGY COORDINATION ON FEDERAL LAND.

(a) **NATIONAL GOAL FOR RENEWABLE ENERGY PRODUCTION ON FEDERAL LAND.—**

(1) **GOAL.**—Not later than 180 days after the date of enactment of this Act, in accordance with section 3104 of the Energy Act of 2020 (43 U.S.C. 3004), the Secretary of the Interior, in consultation with the Secretary of Agriculture and other heads of relevant Federal agencies, shall establish a target date for the authorization of not less than 50 gigawatts of renewable energy production on Federal land by not later than 2030.

(2) **PERIODIC GOAL REVISION.**—Section 3104 of the Energy Act of 2020 (43 U.S.C. 3004) is amended—

(A) in subsection (a), by inserting “and periodically revise” after “establish”; and

(B) by adding at the end the following:

“(c) **PERMITTING.**—Subject to the limitations described in section 50265(b)(1) of Public Law 117–169 (43 U.S.C. 3006(b)(1)), the Secretary shall, in consultation with the heads of relevant Federal agencies, seek to issue permits that authorize, in total, sufficient electricity from eligible projects to meet or exceed the national goals established and revised under this section.”.

(b) **DEFINITION OF ELIGIBLE PROJECT.**—Paragraph (4) of section 3101 of the Energy Act of 2020 (43 U.S.C. 3001) is amended by inserting “or store” after “generate”.

(c) **RENEWABLE ENERGY PROJECT REVIEW STANDARDS.**—Section 3102 of the Energy Act of 2020 (43 U.S.C. 3002) is amended—

(1) in subsection (a), in the second sentence, by inserting “sufficient to achieve goals for renewable energy production on Federal land established under section 3104” before the period at the end;

(2) by redesignating subsection (f) as subsection (h); and

(3) by inserting after subsection (e) the following:

“(f) **RENEWABLE ENERGY PROJECT REVIEW STANDARDS.**—Not later than 2 years after the date of enactment of the Energy Permitting Reform Act of 2024, for the purpose of encouraging standardized reviews and facilitating the permitting of eligi-

ble projects, the National Renewable Energy Coordination Office of the Bureau of Land Management shall promulgate renewable energy project review standards to be adopted by regional renewable energy coordination offices.

“(g) CLARIFICATION OF EXISTING AUTHORITY.—Under section 307 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737), the Secretary may accept donations from renewable energy companies to improve community engagement for the permitting of energy projects.”

(d) SAVINGS CLAUSE.—Nothing in this section, or an amendment made by this section, modifies the limitations described in section 50265(b)(1) of Public Law 117–169 (43 U.S.C. 3006(b)(1)).

SEC. 208. GEOTHERMAL LEASING AND PERMITTING IMPROVEMENTS.

(a) PRELIMINARY GEOTHERMAL ACTIVITIES.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall each develop or adopt 1 or more categorical exclusions, including allowing for extraordinary circumstances under which the categorical exclusion shall not be available, under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for individual disturbances of less than 10 acres for activities required to test, monitor, calibrate, explore, or confirm geothermal resources, provided those activities do not involve—

- (1) the commercial production of geothermal resources;
- (2) the use of geothermal resources for commercial operations; or
- (3) construction of permanent roads.

(b) ANNUAL LEASING.—Section 4(b) of the Geothermal Steam Act of 1970 (30 U.S.C. 1003(b)) is amended—

- (1) in paragraph (2), by striking “every 2 years” and inserting “per year”; and
- (2) by adding at the end the following:

“(5) REPLACEMENT SALES.—If a lease sale under this section for a year is cancelled or delayed, the Secretary shall conduct a replacement sale not later than 180 days after the date of the cancellation or delay, as applicable, and the replacement sale may not be cancelled or delayed.”

(c) DEADLINES FOR CONSIDERATION OF GEOTHERMAL DRILLING PERMITS.—Section 4 of the Geothermal Steam Act of 1970 (30 U.S.C. 1003) is amended by adding at the end the following:

“(h) DEADLINES FOR CONSIDERATION OF GEOTHERMAL DRILLING PERMITS.—

“(1) IN GENERAL.—Not later than 10 days after the date on which the Secretary receives an application for any geothermal drilling permit, the Secretary shall—

“(A) provide written notice to the applicant that the application is complete; or

“(B) notify the applicant that information is missing from the application and specify any information that is required to be submitted for the application to be complete.

“(2) DECISION.—Not later than 30 days after the date on which an applicant submits a complete application for a geothermal drilling permit under paragraph (1), the Secretary shall—

“(A) grant or deny the application, if the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other applicable law have been completed; or

“(B) defer the decision on the application and provide to the applicant notice—

“(i) that specifies steps that the applicant can take for the decision on the application to be issued; and

“(ii) of a list of actions that need to be taken by the agency in order to comply with applicable law, and timelines and deadlines for completing those actions.”

(d) COST RECOVERY AUTHORITY.—Section 24 of the Geothermal Steam Act of 1970 (30 U.S.C. 1023) is amended—

(1) by striking the section designation and all that follows through “The Secretary” and inserting the following:

“SEC. 24. RULES AND REGULATIONS.

“The Secretary”; and

(2) by adding at the end the following: “The Secretary shall, not later than 180 days after the date of enactment of the Energy Permitting Reform Act of 2024, promulgate rules for cost recovery, to be paid by permit applicants or lessees, to facilitate the timely coordination and processing of leases, permits, and authorizations and to reimburse the Secretary for all reasonable administrative costs incurred from the inspection and monitoring of activities thereunder.”

(e) **FEDERAL PERMITTING PROCESS.**—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall promulgate regulations and establish a Federal permitting process to allow for simultaneous, concurrent consideration of multiple phases of a geothermal project, including—

- (1) surface exploration;
- (2) geophysical exploration (including well drilling);
- (3) production well drilling; and
- (4) use of geothermal resources (including power plant construction).

(f) **GEOTHERMAL PRODUCTION PARITY.**—Section 390 of the Energy Policy Act of 2005 (42 U.S.C. 15942) is amended—

- (1) in subsection (a)—
 - (A) by striking “(NEPA)” and inserting “(42 U.S.C. 4321 et seq.) (referred to in this section as ‘NEPA’)”;
 - (B) by inserting “(30 U.S.C. 181 et seq.)” after “Mineral Leasing Act”; and
 - (C) by inserting “, or the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) for the purpose of exploration or development of geothermal resources” before the period at the end; and
- (2) in subsection (b)—

- (A) in paragraph (2), by striking “oil or gas” and inserting “oil, gas, or geothermal resources”; and

- (B) in paragraph (3), by striking “oil or gas” and inserting “oil, gas, or geothermal resources”.

(g) **GEOTHERMAL OMBUDSMAN.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the Secretary of the Interior shall appoint within the Bureau of Land Management a Geothermal Ombudsman.

(2) **DUTIES.**—The Geothermal Ombudsman appointed under paragraph (1) shall—

- (A) act as a liaison between—
 - (i) the individual field offices of the Bureau of Land Management;
 - (ii) the Division Chief of the National Renewable Energy Coordination Office of the Bureau of Land Management; and
 - (iii) the Director of the Bureau of Land Management;

- (B) provide dispute resolution services between the individual field offices of the Bureau of Land Management and applicants for geothermal resource permits;

- (C) monitor and facilitate permit processing practices and timelines across individual field offices of the Bureau of Land Management;

- (D) develop best practices for the permitting and leasing process for geothermal resources; and

- (E) coordinate with the Federal Permitting Improvement Steering Council.

(3) **REPORT.**—The Geothermal Ombudsman shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives an annual report that describes the activities of the Geothermal Ombudsman and evaluates the effectiveness of geothermal permit processing during the preceding 1-year period.

SEC. 209. ELECTRIC GRID PROJECTS.

(a) **DEFINITION OF PREVIOUSLY DISTURBED OR DEVELOPED.**—In this section, the term “previously disturbed or developed” has the meaning given the term in section 1021.410(g)(1) of title 10, Code of Federal Regulations (or successor regulations).

(b) **RULEMAKING.**—Not later than 180 days after the date of enactment of this Act, to facilitate timely permitting, the Secretary of the Interior and the Secretary of Agriculture shall each develop or adopt 1 or more categorical exclusions, including allowing for extraordinary circumstances under which the categorical exclusion shall not be available, under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the following activities:

(1) Placement of an electric transmission or distribution facility in an approved right-of-way corridor, if the corridor was approved during the 5-year period ending on the date of placement of the facility.

(2) Any repair, maintenance, replacement, upgrade, modification, optimization, or minor relocation of, or addition to, an existing electric transmission or distribution facility or associated infrastructure, including electrical substations, within an existing right-of-way or on otherwise previously disturbed or developed land, including reconductoring and installation of grid-enhancing technologies.

(3) Construction, operation, upgrade, or decommissioning of a battery or other energy storage technology on previously disturbed or developed land.

SEC. 210. HARDROCK MINING MILL SITES.

(a) **MULTIPLE MILL SITES.**—Section 2337 of the Revised Statutes (30 U.S.C. 42) is amended by adding at the end the following:

“(c) **ADDITIONAL MILL SITES.**—

“(1) **DEFINITIONS.**—In this subsection:

“(A) **MILL SITE.**—The term ‘mill site’ means a location of public land that is reasonably necessary for waste rock or tailings disposal or other operations reasonably incident to mineral development on, or production from land included in a plan of operations.

“(B) **OPERATIONS; OPERATOR.**—The terms ‘operations’ and ‘operator’ have the meanings given those terms in section 3809.5 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this subsection).

“(C) **PLAN OF OPERATIONS.**—The term ‘plan of operations’ means a plan of operations that an operator must submit and the Secretary of the Interior or the Secretary of Agriculture, as applicable, must approve before an operator may begin operations, in accordance with, as applicable—

“(i) subpart 3809 of title 43, Code of Federal Regulations (or successor regulations establishing application and approval requirements); and

“(ii) part 228 of title 36, Code of Federal Regulations (or successor regulations establishing application and approval requirements).

“(D) **PUBLIC LAND.**—The term ‘public land’ means land owned by the United States that is open to location under sections 2319 through 2344 of the Revised Statutes (30 U.S.C. 22 et seq.), including—

“(i) land that is mineral-in-character (as defined in section 3830.5 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this subsection));

“(ii) nonmineral land (as defined in section 3830.5 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this subsection)); and

“(iii) land where the mineral character has not been determined.

“(2) **IN GENERAL.**—Notwithstanding subsections (a) and (b), where public land is needed by the proprietor of a lode or placer claim for operations in connection with any lode or placer claim within the proposed plan of operations, the proprietor may—

“(A) locate and include within the plan of operations as many mill site claims under this subsection as are reasonably necessary for its operations; and

“(B) use or occupy public land in accordance with an approved plan of operations.

“(3) **MILL SITES CONVEY NO MINERAL RIGHTS.**—A mill site under this subsection does not convey mineral rights to the locator.

“(4) **SIZE OF MILL SITES.**—A location of a single mill site under this subsection shall not exceed 5 acres.

“(5) **MILL SITE AND LODGE OR PLACER CLAIMS ON SAME TRACTS OF PUBLIC LAND.**—A mill site may be located under this subsection on a tract of public land on which the claimant or operator maintains a previously located lode or placer claim.

“(6) **EFFECT ON MINING CLAIMS.**—The location of a mill site under this subsection shall not affect the validity of any lode or placer claim, or any rights associated with such a claim.

“(7) **PATENTING.**—A mill site under this section shall not be eligible for patenting.

“(8) **SAVINGS PROVISIONS.**—Nothing in this subsection—

“(A) diminishes any right (including a right of entry, use, or occupancy) of a claimant;

“(B) creates or increases any right (including a right of exploration, entry, use, or occupancy) of a claimant on land that is not open to location under the general mining laws;

“(C) modifies any provision of law or any prior administrative action withdrawing land from location or entry;

“(D) limits the right of the Federal Government to regulate mining and mining-related activities (including requiring claim validity examinations to establish the discovery of a valuable mineral deposit) in areas withdrawn from mining, including under—

“(i) the general mining laws;

“(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

“(iii) the Wilderness Act (16 U.S.C. 1131 et seq.);

- “(iv) sections 100731 through 100737 of title 54, United States Code;
 - “(v) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);
 - “(vi) division A of subtitle III of title 54, United States Code (commonly referred to as the ‘National Historic Preservation Act’); or
 - “(vii) section 4 of the Act of July 23, 1955 (commonly known as the ‘Surface Resources Act of 1955’) (69 Stat. 368, chapter 375; 30 U.S.C. 612);
 - “(E) restores any right (including a right of entry, use, or occupancy, or right to conduct operations) of a claimant that—
 - “(i) existed prior to the date on which the land was closed to, or withdrawn from, location under the general mining laws; and
 - “(ii) that has been extinguished by such closure or withdrawal; or
 - “(F) modifies section 404 of division E of the Consolidated Appropriations Act, 2024 (Public Law 118–42).”
- (b) ABANDONED HARDROCK MINE FUND.—
- (1) ESTABLISHMENT.—There is established in the Treasury of the United States a separate account, to be known as the “Abandoned Hardrock Mine Fund” (referred to in this subsection as the “Fund”).
 - (2) SOURCE OF DEPOSITS.—Any amounts collected by the Secretary of the Interior pursuant to the claim maintenance fee under section 10101(a)(1) of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f(a)(1)) on mill sites located under subsection (c) of section 2337 of the Revised Statutes (30 U.S.C. 42) shall be deposited into the Fund, to remain available until expended.
 - (3) USE.—The Secretary of the Interior may make expenditures from amounts available in the Fund, without further appropriations or fiscal year limitation, only to carry out section 40704 of the Infrastructure Investment and Jobs Act (30 U.S.C. 1245).
 - (4) ALLOCATION OF FUNDS.—Amounts made available under paragraph (3)—
 - (A) shall be allocated in accordance with section 40704(e)(1) of the Infrastructure Investment and Jobs Act (30 U.S.C. 1245(e)(1));
 - (B) may be transferred in accordance with section 40704(e)(2) of that Act (30 U.S.C. 1245(e)(2)); and
 - (C) may be used for the administration of the Fund and section 40704 of the Infrastructure Investment and Jobs Act (30 U.S.C. 1245) in amounts not to exceed 5 percent of amounts deposited into the Fund.
- (c) CLERICAL AMENDMENTS.—Section 10101 of the Omnibus Budget Reconciliation Act of 1993 (30 U.S.C. 28f) is amended—
- (1) by striking “the Mining Law of 1872 (30 U.S.C. 28–28e)” each place it appears and inserting “sections 2319 through 2344 of the Revised Statutes (30 U.S.C. 22 et seq.)”;
 - (2) in subsection (a)—
 - (A) in paragraph (1)—
 - (i) in the second sentence, by striking “Such claim maintenance fee” and inserting the following:

“(B) FEE.—The claim maintenance fee under subparagraph (A)”; and
 - (ii) in the first sentence, by striking “The holder of” and inserting the following:

“(A) IN GENERAL.—The holder of”; and
 - (B) in paragraph (2)—
 - (i) in the second sentence, by striking “Such claim maintenance fee” and inserting the following:

“(B) FEE.—The claim maintenance fee under subparagraph (A)”; and
 - (ii) in the first sentence, by striking “The holder of” and inserting the following:

“(A) IN GENERAL.—The holder of”; and
 - (3) in subsection (b)—
 - (A) in the second sentence, by striking “The location fee” and inserting the following:

“(2) FEE.—The location fee”; and
 - (B) in the first sentence, by striking “The claim main tenance fee” and inserting the following:

“(1) IN GENERAL.—The claim maintenance fee”.

TITLE III—FEDERAL OFFSHORE ENERGY LEASING AND PERMITTING

SEC. 301. OFFSHORE OIL AND GAS LEASING.

(a) **REQUIREMENT.**—Notwithstanding the 2024–2029 National Outer Continental Shelf Oil and Gas Leasing Program (and any successor leasing program that does not satisfy the requirements of this section), the Secretary of the Interior (referred to in this title as the “Secretary”) shall conduct not less than 1 oil and gas lease sale in each of calendar years 2025 through 2029, each of which shall be conducted not later than August 31 of the applicable calendar year.

(b) **TERMS AND CONDITIONS.**—The Secretary shall—

(1) conduct offshore oil and gas lease sales of sufficient acreage to meet the conditions described in section 50265(b)(2) of Public Law 117–169 (43 U.S.C. 3006(b)(2));

(2) with respect to an oil and gas lease sale conducted under subsection (a), offer the same lease form, lease terms, economic conditions, and stipulations as contained in the revised final notice of sale entitled “Gulf of Mexico Outer Continental Shelf Oil and Gas Lease Sale 261” (88 Fed. Reg. 80750 (November 20, 2023)); and

(3) if any acceptable bids have been received for any tract offered in an oil and gas lease sale conducted under subsection (a), issue such leases not later than 90 days after the lease sale to the highest bids on the tracts offered, subject to the procedures described in the Bureau of Ocean Energy Management document entitled “Summary of Procedures for Determining Bid Adequacy at Offshore Oil and Gas Lease Sales Effective March 2016, with Central Gulf of Mexico Sale 241 and Eastern Gulf of Mexico Sale 226”.

SEC. 302. OFFSHORE WIND ENERGY.

(a) **OFFSHORE WIND LEASE SALE REQUIREMENT.**—Effective on the date of enactment of this Act, the Secretary shall—

(1) subject to the limitations described in section 50265(b)(2) of Public Law 117–169 (43 U.S.C. 3006(b)(2)), conduct not less than 1 offshore wind lease sale in each of calendar years 2025 through 2029, each of which shall be conducted not later than August 31 of the applicable calendar year; and

(2) if any acceptable bids have been received for a tract offered in the lease sale, as determined by the Secretary, issue such leases not later than 90 days after the lease sale to the highest bidder on the offered tract.

(b) **AREA OFFERED FOR LEASING.**—

(1) **TOTAL ACRES FOR LEASE.**—Subject to paragraph (2), the Secretary shall offer for offshore wind leasing a sum total of not less than 400,000 acres per calendar year.

(2) **MINIMUM ACREAGE.**—An offshore wind lease issued by the Secretary that is less than 80,000 acres shall not be counted toward the acreage requirement under paragraph (1).

(c) **PRODUCTION GOAL FOR OFFSHORE WIND ENERGY.**—

(1) **INITIAL GOAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish an initial target date for an offshore wind energy production goal of 30 gigawatts.

(2) **PERIODIC GOAL REVISION.**—The Secretary shall, in consultation with the heads of other relevant Federal agencies, periodically revise national goals for offshore wind energy production on the outer Continental Shelf as initially established under paragraph (1).

(d) **OUTER CONTINENTAL SHELF LANDS ACT.**—Section 8(p) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)) is amended—

(1) in paragraph (4)(I), by striking “prevention of interference with reasonable uses” and inserting “prevention of unreasonable interference with other uses”;

(2) by striking paragraph (10) and inserting the following:

“(10) **APPLICABILITY.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), this subsection does not apply to any area on the outer Continental Shelf within the exterior boundaries of any unit of the National Park System, the National Wildlife Refuge System, the National Marine Sanctuary System, or any National Monument.

“(B) **EXCEPTION.**—Notwithstanding subparagraph (A), the Secretary, in consultation with the Secretary of Commerce under section 304(d) of the National Marine Sanctuaries Act (16 U.S.C. 1434(d)), may grant rights-of-way on the outer Continental Shelf within units of the National Marine

Sanctuary System for the transmission of electricity generated by or produced from renewable energy.”; and

(3) by adding at the end the following:

“(11) DURATION OF PERMITS IN MARINE SANCTUARIES.—Notwithstanding section 310(c)(2) of the National Marine Sanctuaries Act (16 U.S.C. 1441(c)(2)), any permit or authorization granted under that Act that authorizes the installation, operation, or maintenance of electric transmission cables on a right-of-way granted by the Secretary described in paragraph (10)(B) shall be issued for a term equal to the duration of the right-of-way granted by the Secretary.”.

(e) SAVINGS CLAUSE.—Nothing in this section, or an amendment made by this section, modifies the limitations described in section 50265(b)(2) of Public Law 117–169 (43 U.S.C. 3006(b)(2)).

TITLE IV—ELECTRIC TRANSMISSION

SEC. 401. TRANSMISSION PERMITTING.

(a) DEFINITIONS.—Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended by striking subsection (a) and inserting the following:

“(a) DEFINITIONS.—In this section:

“(1) COMMISSION.—The term ‘Commission’ means the Federal Energy Regulatory Commission.

“(2) IMPROVED RELIABILITY.—The term ‘improved reliability’ has the meaning given the term in section 225(a).

“(3) LANDOWNER INPUT.—The term ‘landowner input’ means input received—

“(A) by the Commission;

“(B) from affected landowners, such as farmers and ranchers, in the path of the proposed construction or modification of an electric transmission facility; and

“(C) pursuant to notification provided to, and consultation with, those affected landowners, farmers, and ranchers by the Commission.

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of Energy.”.

(b) CONSTRUCTION PERMIT.—Section 216(b) of the Federal Power Act (16 U.S.C. 824p(b)) is amended—

(1) in the matter preceding paragraph (1), by striking “Except” and all that follows through “finds that” and inserting “Except as provided in subsections (d)(1) and (i), the Commission may, after notice and an opportunity for hearing, including a public comment period of at least 60 days, issue one or more permits for the construction or modification of electric transmission facilities necessary in the national interest if the Commission finds that”;

(2) in paragraph (1)—

(A) in subparagraph (A)(i), by inserting “or modification” after “siting”; and

(B) in subparagraph (C)—

(i) in the matter preceding clause (i), by inserting “or modification” after “siting”; and

(ii) in clause (i), by striking “the later of” in the matter preceding subclause (I) and all that follows through the semicolon at the end of subclause (II) and inserting “the date on which the application was filed with the State commission or other entity”; and

(3) by striking paragraphs (2) through (6) and inserting the following:

“(2) the proposed facilities will be used for the transmission of electric energy in interstate (including transmission from the outer Continental Shelf to a State) or foreign commerce;

“(3) the proposed construction or modification is consistent with the public interest;

“(4) the proposed construction or modification will significantly reduce transmission congestion in interstate commerce, protect or benefit consumers, and provide improved reliability;

“(5) the proposed construction or modification is consistent with sound national energy policy and will enhance energy independence;

“(6) the electric transmission facilities are capable of transmitting electric energy at a voltage of not less than 100 kilovolts or, in the case of facilities that include advanced transmission conductors (including superconductors), as defined by the Commission, voltages determined to be appropriate by the Commission; and

“(7) the proposed modification (including reconductoring) will maximize, to the extent reasonable and economical, the transmission capabilities of existing towers, structures, or rights-of-way.”.

(c) STATE SITING AND CONSULTATION.—Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended by striking subsection (d) and inserting the following:

“(d) STATE SITING AND CONSULTATION.—

“(1) PRESERVATION OF STATE SITING AUTHORITY.—The Commission shall have no authority to issue a permit under subsection (b) for the construction or modification of an electric transmission facility within a State except as provided in paragraph (1) of that subsection.

“(2) CONSULTATION.—In any proceeding before the Commission under subsection (b), the Commission shall afford each State in which a transmission facility covered by the permit is or will be located, each affected Federal agency and Indian Tribe, private property owners, and other interested persons, a reasonable opportunity to present their views and recommendations with respect to the need for and impact of a facility covered by the permit.

“(3) LANDOWNER INPUT.—In authorizing the construction or modification of an electric transmission facility under subsection (b), the Commission shall take into account landowner input.”

(d) RIGHTS-OF-WAY.—Section 216(e)(3) of the Federal Power Act (16 U.S.C. 824p(e)(3)) is amended by striking “shall conform” and all that follows through the period at the end and inserting “shall be in accordance with rule 71.1 of the Federal Rules of Civil Procedure.”

(e) COST ALLOCATION.—

(1) IN GENERAL.—Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended by striking subsection (f) and inserting the following:

“(f) COST ALLOCATION.—

“(1) TRANSMISSION TARIFFS.—For the purposes of this section, any transmitting utility that owns, controls, or operates electric transmission facilities that the Commission finds to be consistent with the findings under paragraphs (2) through (6) and, if applicable, (7) of subsection (b) shall file a tariff or tariff revision with the Commission pursuant to section 205 and the regulations of the Commission allocating the costs of the new or modified transmission facilities.

“(2) TRANSMISSION BENEFITS.—The Commission shall require that tariffs or tariff revisions filed under this subsection are just and reasonable and allocate the costs of providing service to customers that benefit, in accordance with the cost-causation principle, including through—

“(A) improved reliability;

“(B) reduced congestion;

“(C) reduced power losses;

“(D) greater carrying capacity;

“(E) reduced operating reserve requirements; and

“(F) improved access to lower cost generation that achieves reductions in the cost of delivered power.

“(3) RATEPAYER PROTECTION.—Customers that receive no benefit, or benefits that are trivial in relation to the costs sought to be allocated, from electric transmission facilities constructed or modified under this section shall not be involuntarily allocated any of the costs of those transmission facilities, provided, however, that nothing in this section shall prevent a transmitting utility from recovering such costs through voluntary agreement with its customers.”

(2) SAVINGS PROVISION.—If the Federal Energy Regulatory Commission finds that the considerations under paragraphs (2) through (6) and, if applicable, (7) of subsection (b) of section 216 of the Federal Power Act (16 U.S.C. 824p) (as amended by subsection (b)) are met, nothing in this section or the amendments made by this section shall be construed to exclude transmission facilities located on the outer Continental Shelf from being eligible for cost allocation established under subsection (f)(1) of that section (as amended by paragraph (1)).

(f) COORDINATION OF FEDERAL AUTHORIZATIONS FOR TRANSMISSION FACILITIES.—Section 216(h) of the Federal Power Act (16 U.S.C. 824p(h)) is amended—

(1) in paragraph (2), by striking the period at the end and inserting the following: “, except that—

“(A) the Commission shall act as the lead agency in the case of facilities permitted under subsection (b) and section 225; and

“(B) the Department of the Interior shall act as the lead agency in the case of facilities located on a lease, easement, or right-of-way granted by the Secretary of the Interior under section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)).”;

(2) in each of paragraphs (3), (4)(B), (4)(C), (5)(B), (6)(A), (7)(A), (7)(B)(i), (8)(A)(i), and (9), by striking “Secretary” each place it appears and inserting “lead agency”;

(3) in paragraph (4)(A), by striking “As head of the lead agency, the Secretary” and inserting “The lead agency”;

- (4) in paragraph (5)(A), by striking “As lead agency head, the Secretary” and inserting “The lead agency”; and
 - (5) in paragraph (7)—
 - (A) in subparagraph (A), by striking “18 months after the date of enactment of this section” and inserting “18 months after the date of enactment of the Energy Permitting Reform Act of 2024”; and
 - (B) in subparagraph (B)(i), by striking “1 year after the date of enactment of this section” and inserting “18 months after the date of enactment of the Energy Permitting Reform Act of 2024”.
 - (g) INTERSTATE COMPACTS.—Section 216(i) of the Federal Power Act (16 U.S.C. 824p(i)) is amended—
 - (1) in paragraph (3), by striking “, including facilities in national interest electric transmission corridors”; and
 - (2) in paragraph (4)—
 - (A) in subparagraph (A), by striking “; and” and inserting a period;
 - (B) by striking subparagraph (B); and
 - (C) by striking “in disagreement” in the matter preceding subparagraph (A) and all that follows through “(A) the” in subparagraph (A) and inserting “unable to reach an agreement on an application seeking approval by the”.
 - (h) TRANSMISSION INFRASTRUCTURE INVESTMENT.—Section 219(b)(4) of the Federal Power Act (16 U.S.C. 824s(b)(4)) is amended—
 - (1) in subparagraph (A), by striking “and” after the semicolon at the end;
 - (2) in subparagraph (B), by striking the period at the end and inserting “; and”; and
 - (3) by adding at the end the following:

“(C) all prudently incurred costs associated with payments to jurisdictions impacted by electric transmission facilities developed pursuant to section 216 or 225.”.
 - (i) JURISDICTION.—Section 216 of the Federal Power Act (16 U.S.C. 824p) is amended by striking subsection (k) and inserting the following:

“(k) JURISDICTION.—

 - “(1) ERCOT.—This section shall not apply within the area referred to in section 212(k)(2)(A).
 - “(2) OTHER UTILITIES.—
 - “(A) IN GENERAL.—For the purposes of this section, the Commission shall have jurisdiction over all transmitting utilities, including transmitting utilities described in section 201(f), but excluding any ERCOT utility (as defined in section 212(k)(2)(B)).
 - “(B) CLARIFICATION.—Being subject to Commission jurisdiction for the purposes of this section shall not make an entity described in section 201(f) a public utility for the purposes of section 201(e).”.
 - (j) CONFORMING AMENDMENTS.—
 - (1) Section 50151(b) of Public Law 117–169 (42 U.S.C. 18715(b)) is amended by striking “facilities designated by the Secretary to be necessary in the national interest under section 216(a) of the Federal Power Act (16 U.S.C. 824p(a))” and inserting “facilities in a geographic area identified under section 224 of the Federal Power Act”.
 - (2) Section 1222 of the Energy Policy Act of 2005 (42 U.S.C. 16421) is amended—
 - (A) in subsection (a)(1)(A), by striking “in a national interest electric transmission corridor designated under section 216(a)” and inserting “in a geographic area identified under section 224”; and
 - (B) in subsection (b)(1)(A), by striking “in an area designated under section 216(a)” and inserting “in a geographic area identified under section 224”.
 - (3) Section 40106(h)(1)(A) of the Infrastructure Investment and Jobs Act (42 U.S.C. 18713(h)(1)(A)) is amended by striking “in an area designated as a national interest electric transmission corridor pursuant to section 216(a) of the Federal Power Act 16 U.S.C. 824p(a)” and inserting “in a geographic area identified under section 224 of the Federal Power Act”.
 - (k) SAVINGS PROVISION.—Nothing in this section or an amendment made by this section grants authority to the Federal Energy Regulatory Commission under the Federal Power Act (16 U.S.C. 791a et seq.) over sales of electric energy at retail or the local distribution of electricity.
- SEC. 402. TRANSMISSION PLANNING.**
- (a) IN GENERAL.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

“SEC. 224. TRANSMISSION STUDY.

“(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this section and every 3 years thereafter, the Secretary of Energy (referred to in this section as the ‘Secretary’), in consultation with affected States and Indian Tribes, shall conduct a study of electric transmission capacity constraints and congestion.

“(b) **REPORT.**—Not less frequently than once every 3 years, the Secretary, after considering alternatives and recommendations from interested parties (including an opportunity for comment from affected States and Indian Tribes), shall issue a report, based on the study under subsection (a) or other information relating to electric transmission capacity constraints and congestion, which may identify any geographic area that—

“(1) is experiencing electric energy transmission capacity constraints or congestion that adversely affects consumers; or

“(2) is expected to experience such energy transmission capacity constraints or congestion.

“(c) **CONSULTATION.**—Not less frequently than once every 3 years, the Secretary, in conducting the study under subsection (a) and issuing the report under subsection (b), shall consult with affected transmission planning regions (as defined in section 225(a)) and any appropriate regional entity referred to in section 215.

“(d) **ALASKA.**—The Secretary—

“(1) shall, in consultation with the State of Alaska and affected Indian Tribes, consider any intrastate transmission capacity constraints and congestion within the State of Alaska in the study under subsection (a); and

“(2) in issuing the report under subsection (b), may, subject to the approval of the Regulatory Commission of Alaska, identify any geographic area in the State of Alaska that—

“(A) is experiencing electric energy transmission capacity constraints or congestion that adversely affects consumers; or

“(B) is expected to experience such energy transmission capacity constraints or congestion.

“SEC. 225. PLANNING FOR TRANSMISSION FACILITIES THAT ENHANCE GRID RELIABILITY, AFFORDABILITY, AND RESILIENCE.

“(a) **DEFINITIONS.**—In this section:

“(1) **COMMISSION.**—The term ‘Commission’ means the Federal Energy Regulatory Commission.

“(2) **ERO.**—The term ‘ERO’ has the meaning given the term in section 215(a).

“(3) **IMPROVED RELIABILITY.**—The term ‘improved reliability’ means that, on balance, considering each of the matters described in subparagraphs (A) through (D), reliability is improved in a material manner that benefits customers through at least one of the following:

“(A) facilitating compliance with a mandatory standard for reliability approved by the Commission under section 215;

“(B) a reduction in expected unserved energy, loss of load hours, or loss of load probability (as defined by the ERO);

“(C) facilitating compliance with a tariff requirement or process for resource adequacy on file with the Commission; and

“(D) any other similar material improvement, including a reduction in correlated outage risk, such as achieved through increased geographic or resource diversification.

“(4) **INTERREGIONAL TRANSMISSION FACILITY.**—The term ‘interregional transmission facility’ means a transmission facility that—

“(A) is located within 2 or more neighboring transmission planning regions; or

“(B) significantly impacts the ability of 1 or more transmission planning regions to transmit electric energy among neighboring transmission planning regions.

“(5) **TRANSMISSION PLANNING REGION.**—

“(A) **IN GENERAL.**—The term ‘transmission planning region’—

“(i) when used in a geographical sense, means a region for which the Commission determines that electric transmission planning is appropriate, such as a region established in accordance with Order No. 1000 of the Commission, entitled ‘Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities’ (76 Fed. Reg. 49842 (August 11, 2011)); and

“(ii) when used in a corporate sense, means the Transmission Organization or other entity responsible for planning or operating electric transmission facilities within a region described in clause (i).

“(B) EXCLUSION.—The term ‘transmission planning region’ does not include the Electric Reliability Council of Texas or the region served by members of the Electric Reliability Council of Texas.

“(b) JURISDICTION.—

“(1) ERCOT.—This section shall not apply within the area referred to in section 212(k)(2)(A).

“(2) OTHER UTILITIES.—

“(A) IN GENERAL.—For the purposes of this section, the Commission shall have jurisdiction over all transmitting utilities, including transmitting utilities described in section 201(f), but excluding any ERCOT utility (as defined in section 212(k)(2)(B)).

“(B) CLARIFICATION.—Being subject to Commission jurisdiction for the purposes of this section shall not make an entity described in section 201(f) a public utility for the purposes of section 201(e).

“(c) RULEMAKING REQUIREMENT.—Not later than 180 days after the date of enactment of this section, the Commission shall, consistent with the requirements of this section, by rule—

“(1) require neighboring transmission planning regions to jointly plan with each other;

“(2) require each transmission planning region to submit to the Commission for approval a joint interregional transmission plan with each of its neighboring transmission planning regions, which requirement may, at the discretion of the transmission planning region, be satisfied through the submission of—

“(A) a separate joint interregional transmission plan with each of its neighboring transmission planning regions; or

“(B) 1 or more joint interregional transmission plans, any of which may be submitted with any 1 or more of its neighboring transmission planning regions; and

“(3) establish rate treatments for interregional transmission planning and cost allocation.

“(d) PLAN ELEMENTS.—The Commission shall require, within the rule under subsection (c), that joint interregional transmission plans contain the following elements:

“(1) COMPATIBILITY.—A common set of input assumptions and models, on a consistent timeline, that—

“(A) allow for the joint identification and selection, by transmission planning regions, of specific interregional transmission facilities for construction or modification, including through the use of advanced transmission conductors (including superconductors) and reconductoring;

“(B) consider, to the extent reasonable and economical, modifications that maximize the transmission capabilities of existing towers, structures, or rights-of-way; and

“(C) consider existing transmission plans.

“(2) TRANSMISSION BENEFITS.—A common set of benefits for interregional transmission planning and cost allocation, including—

“(A) improved reliability;

“(B) reduced congestion;

“(C) reduced power losses;

“(D) greater carrying capacity;

“(E) reduced operating reserve requirements; and

“(F) improved access to lower cost generation that achieves reductions in the cost of delivered power.

“(3) SELECTION CRITERIA.—Criteria governing the selection by transmission planning regions, for construction or modification, of interregional transmission facilities that—

“(A) provide improved reliability;

“(B) protect or benefit consumers; and

“(C) are consistent with the public interest.

“(e) DEADLINE; UPDATES.—The joint interregional transmission plans required to be submitted to the Commission pursuant to the rule under subsection (c) shall be—

“(1) submitted to the Commission not later than 2 years after the date of enactment of this section; and

“(2) updated not less frequently than once every 4 years.

“(f) COMMISSION REVIEW.—The Commission shall—

“(1) review each joint interregional transmission plan submitted pursuant to the rule under subsection (c); and

“(2) approve the joint interregional transmission plan if the Commission finds that the plan—

“(A) meets the requirements of subsection (d);

“(B) allocates costs in accordance with subsection (g);

“(C) ensures that all rates, charges, terms, and conditions will be just and reasonable and not unduly discriminatory or preferential; and

“(D) is consistent with the public interest.

“(g) COST ALLOCATION.—

“(1) TRANSMISSION TARIFFS.—For the purposes of this section, any transmitting utility that owns, controls, or operates electric transmission facilities constructed or modified as a result of this section shall file a tariff or tariff revision with the Commission pursuant to section 205 and the regulations of the Commission allocating the costs of the new or modified transmission facilities.

“(2) REQUIREMENT.—The Commission shall require that tariffs or tariff revisions filed under this section are just and reasonable and allocate the costs of providing service to customers that benefit, in accordance with the cost-causation principle, including through the benefits described in subsection (d)(2).

“(3) RATEPAYER PROTECTION.—Customers that receive no benefit, or benefits that are trivial in relation to the costs sought to be allocated, from electric transmission facilities constructed or modified under this section shall not be involuntarily allocated any of the costs of those transmission facilities.

“(h) CONSTRUCTION PERMIT.—For the purposes of obtaining a construction permit under section 216(b), a project that is selected by transmission planning regions pursuant to a joint interregional transmission plan shall be considered to satisfy paragraphs (2) through (6) and, if applicable, (7) of that section.

“(i) DISPUTE RESOLUTION.—In the event of a dispute between transmission planning regions with respect to a material element of a joint interregional transmission plan—

“(1) the transmission planning regions shall submit to the Commission their respective proposals for resolving the material element in dispute for resolution; and

“(2) not later than 60 days after the proposals are submitted under paragraph (1), the Commission shall issue an order directing a resolution to the dispute.

“(j) FAILURE TO SUBMIT PLAN.—In the event that neighboring transmission planning regions fail to submit to the Commission a joint interregional transmission plan under this section, the Commission shall, as the Commission determines to be appropriate—

“(1) grant a request to extend the time for submission of the joint interregional transmission plan; or

“(2) require, by order, the transmitting utilities within the affected transmission planning regions to comply with a joint interregional transmission plan approved by the Commission—

“(A) based on the record of the planning process conducted by the affected transmission planning regions; and

“(B) in accordance with the cost allocation provisions in subsection (g).

“(k) NEPA.—For purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)—

“(1) any approval of a joint interregional transmission plan under subsection (f) or (j) or order directing resolution of a dispute under subsection (i) shall not be considered a major Federal action; and

“(2) any permit granted under section 216(b) for a project that is selected by transmission planning regions pursuant to a joint interregional transmission plan shall be considered a major Federal action.

“(l) SAVINGS PROVISION.—Except as expressly provided in this section, nothing in this section shall be construed as conferring, limiting, or impairing any authority of the Commission under any other provision of law.”

(b) CONFORMING AMENDMENTS.—Section 201 of the Federal Power Act (16 U.S.C. 824) is amended—

(1) in subsection (b)(2)—

(A) in the first sentence, by striking “and 222” and inserting “222, and 225”; and

(B) in the second sentence, by striking “or 222” and inserting “222, or 225”; and

(2) in subsection (e)—

(A) by striking “206(f),”; and

(B) by striking “or 222” and inserting “222, or 225”.

(c) SAVINGS PROVISION.—Nothing in this section or an amendment made by this section grants authority to the Federal Energy Regulatory Commission under the Federal Power Act (16 U.S.C. 791a et seq.) over sales of electric energy at retail or the local distribution of electricity.

TITLE V—ELECTRIC RELIABILITY

SEC. 501. RELIABILITY ASSESSMENTS.

Section 215 of the Federal Power Act (16 U.S.C. 824o) is amended by striking subsection (g) and inserting the following:

“(g) RELIABILITY REPORTS.—

“(1) PERIODIC ASSESSMENTS.—The ERO shall conduct periodic assessments of the reliability and adequacy of the bulk-power system in North America.

“(2) RELIABILITY ASSESSMENTS FOR REGULATIONS.—(A) Whenever the Commission determines, on its own motion or on request from another Federal agency, an affected transmission organization, or any State commission, that a rule, regulation, or standard proposed by a Federal agency other than the Commission is likely to result in a violation of a tariff requirement or process for resource adequacy on file with the Commission or a mandatory standard for reliability approved by the Commission, the Commission shall require, by order, the ERO to assess and report on the effects of the proposed rule, regulation, or standard on the reliable operation of the bulk-power system.

“(B) An ERO reliability assessment ordered under subparagraph (A) shall—

“(i) identify any reasonably foreseeable significant adverse effects on the reliable operation of the bulk-power system that the ERO anticipates will result from the proposed rule, regulation, or standard;

“(ii) account for mitigations that will be available under existing rules, regulations, or tariffs governing facilities of the bulk-power system under this Act that will reduce or prevent significant adverse effects on the reliable operation of the bulk-power system from the proposed rule, regulation, or standard; and

“(iii) take into account the technical views of affected transmission organizations regarding effects on the reliable operation of the bulk-power system from the proposed rule, regulation, or standard.

“(C) The ERO shall—

“(i) submit the report required under subparagraph (A) to the public docket of the Federal agency proposing the rule, regulation, or standard, and, if practicable, make such submission within the time period established by such Federal agency for submission of public comments on the proposed rule, regulation, or standard;

“(ii) submit such report to the Commission; and

“(iii) publish such report in a publicly available format.

“(D) This paragraph shall apply to proposed rules, regulations, or standards pending on, or proposed on or after, the date of enactment of this paragraph.”.

TITLE VI—LIQUEFIED NATURAL GAS EXPORTS

SEC. 601. ACTION ON APPLICATIONS.

Section 3 of the Natural Gas Act (15 U.S.C. 717b) is amended—

(1) in subsection (e)(3)(A), by inserting “and subsection (g)” after “subparagraph (B)”; and

(2) by adding at the end the following:

“(g) DEADLINE TO ACT ON CERTAIN EXPORT APPLICATIONS.—

“(1) IN GENERAL.—The Commission shall grant or deny an application under subsection (a) to export to a foreign country any natural gas from the United States not later than 90 days after the later of—

“(A) the date on which the notice of availability for each final review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the exporting facility is published with respect to an application—

“(i) under subsection (e); or

“(ii) for a license for the ownership, construction, or operation of a deepwater port, under section 4 of the Deepwater Port Act of 1974 (33 U.S.C. 1503); and

“(B) the date of enactment of this subsection.

“(2) APPLICATIONS TO RE-EXPORT.—The Commission shall grant or deny an application under subsection (a) to re-export to another foreign country any natural gas that has been exported from the United States to Canada or Mexico for liquefaction in Canada or Mexico, or the territorial waters of Canada or Mexico, not later than 90 days after the later of—

“(A) the date on which the notice of availability for each draft review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the application is published; and

“(B) the date of enactment of this subsection.

“(3) APPLICATIONS FOR EXTENSIONS.—The Commission shall grant or deny an application for an extension of a previously issued authorization to export natural gas described in paragraph (1) or (2) not later than 90 days after the later of—

“(A) the date the application for extension is received by the Commission; and

“(B) the date of enactment of this subsection.

“(4) FAILURE TO ACT.—If the Commission fails to grant or deny an application subject to this subsection by the applicable date required by this subsection, the application shall be considered to be granted and a final agency order.”.

SEC. 602. SUPPLEMENTAL REVIEWS.

(a) DEFINITIONS.—In this section:

(1) 2018 LNG EXPORT STUDY.—The term “2018 LNG Export Study” means the report entitled “Macroeconomic Outcomes of Market Determined Levels of U.S. LNG Exports”, prepared by NERA Economic Consulting for the National Energy Technology Laboratory of the Department of Energy, published June 7, 2018.

(2) 2019 LIFE CYCLE GHG REVIEW.—The term “2019 Life Cycle GHG Review” means the report entitled “Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas from the United States”, prepared by S. Roman-White, S. Rai, J. Littlefield, G. Cooney, and T.J. Skone for the National Energy Technology Laboratory of the Department of Energy, published September 12, 2019.

(3) SECRETARY.—The term “Secretary” means the Secretary of Energy.

(4) SUPPLEMENTAL GREENHOUSE GAS REVIEW.—The term “supplemental greenhouse gas review” means a review prepared or commissioned by the Department of Energy and published after January 26, 2024, that analyzes the life cycle greenhouse gas emissions of liquefied natural gas exports from the United States, including consideration of the modeling parameters used in the 2019 Life Cycle GHG Review.

(5) SUPPLEMENTAL MACROECONOMIC REVIEW.—The term “supplemental macroeconomic review” means a review prepared or commissioned by the Department of Energy and published after January 26, 2024, that analyzes the macroeconomic outcomes of different levels of liquefied natural gas exports from the United States, including consideration of the natural gas market factors and macroeconomic factors analyzed in the 2018 LNG Export Study.

(6) SUPPLEMENTAL REVIEW.—The term “supplemental review” means a supplemental greenhouse gas review or a supplemental macroeconomic review.

(b) REQUIREMENTS FOR SUPPLEMENTAL REVIEWS.—

(1) NOTICE AND COMMENT ON PROPOSED SUPPLEMENTAL REVIEWS.—Before finalizing a supplemental review, the Secretary shall publish a notice of availability of the proposed supplemental review in the Federal Register pursuant to the notice and comment provisions of section 553 of title 5, United States Code.

(2) QUALITY OF SUPPLEMENTAL REVIEWS.—A supplemental review shall be subject to a peer review process consistent with the final bulletin of the Office of Management and Budget entitled “Final Information Quality Bulletin for Peer Review” (70 Fed. Reg. 2664 (January 14, 2005)) (or successor guidance).

(3) PENDING APPLICATIONS.—For a review of an application to grant, deny, or extend an order under section 3(a) of the Natural Gas Act (15 U.S.C. 717b(a)) to export to a foreign country any natural gas from an LNG terminal in the United States or from a facility subject to section 4 of the Deepwater Port Act of 1974 (33 U.S.C. 1503), or to re-export to another foreign country any natural gas that has been exported from the United States to Canada or Mexico for liquefaction in Canada or Mexico, or the territorial waters of Canada or Mexico, the Secretary shall base any evaluation of—

(A) macroeconomic outcomes on the results of the 2018 LNG Export Study, or predecessor documents, unless and until the Secretary finalizes and implements a supplemental macroeconomic review; and

(B) life cycle greenhouse gas emissions on the results of the 2019 Life Cycle GHG Review, or predecessor documents, unless and until the Secretary finalizes and implements a supplemental greenhouse gas review.

TITLE VII—HYDROPOWER

SEC. 701. HYDROPOWER LICENSE EXTENSIONS.

(a) **DEFINITION OF COVERED PROJECT.**—In this section, the term “covered project” means a hydropower project with respect to which the Federal Energy Regulatory Commission issued a license before March 13, 2020.

(b) **AUTHORIZATION OF EXTENSION.**—Notwithstanding section 13 of the Federal Power Act (16 U.S.C. 806), on the request of a licensee of a covered project, the Federal Energy Regulatory Commission may, after reasonable notice and for good cause shown, extend in accordance with subsection (c) the period during which the licensee is required to commence construction of the covered project for an additional 4 years beyond the 8 years authorized by that section.

(c) **PERIOD OF EXTENSION.**—An extension of time to commence construction of a covered project under subsection (b) shall—

(1) begin on the date on which the final extension of the period for commencement of construction granted to the licensee under section 13 of the Federal Power Act (16 U.S.C. 806) expires; and

(2) end on the date that is 4 years after the latest date to which the Federal Energy Regulatory Commission is authorized to extend the period for commencement of construction under that section.

(d) **REINSTATEMENT OF EXPIRED LICENSE.**—If the time period required under section 13 of the Federal Power Act (16 U.S.C. 806) to commence construction of a covered project expires after December 31, 2023, and before the date of enactment of this Act—

(1) the Federal Energy Regulatory Commission may reinstate the license for the applicable project effective as of the date of expiration of the license; and

(2) the extension authorized under subsection (b) shall take effect on the date of that expiration.

SEC. 702. IDENTIFYING AND REMOVING MARKET BARRIERS TO HYDROPOWER.

(a) **DEFINITIONS.**—In this section:

(1) **COMMISSION.**—The term “Commission” means the Federal Energy Regulatory Commission.

(2) **WATER POWER TECHNOLOGIES.**—The term “water power technologies” means hydropower in all its forms and modes of operation, including—

(A) conventional water power projects that use dams, conduits, or similar infrastructure to store, divert, or impound water to generate electricity; and

(B) marine and hydrokinetic technologies that use—

(i) waves, tides, and currents; or

(ii) temperature differentials in oceans, estuaries, tidal areas, rivers, lakes, streams, or manmade channels.

(b) **REPORT ON HYDROPOWER MARKET BARRIERS.**—

(1) **IN GENERAL.**—Not later than 270 days after the date of enactment of this Act, the Commission, in consultation with the Secretary of Energy, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report—

(A) describing any market barriers to the development and proper compensation of conventional, storage, conduit, and emerging hydropower technologies related to—

(i) rules of Transmission Organizations (as defined in section 3 of the Federal Power Act (16 U.S.C. 796));

(ii) regulations or policies—

(I) of the Commission; or

(II) under the Federal Power Act (16 U.S.C. 791a et seq.); or

(iii) other Federal and State laws and policies unique to hydropower development, operation, and regulation, as compared to other sources of electricity;

(B) containing recommendations of the Commission for reducing market barriers described in subparagraph (A);

(C) identifying and determining any regulatory, market, procurement, or cost recovery mechanisms that would—

(i) encourage development of conventional, storage, conduit, and emerging hydropower technologies; and

(ii) properly compensate conventional, storage, conduit, and emerging hydropower technologies for the full range of services provided to the electric grid, including—

(I) balancing electricity supply and demand;

(II) ensuring grid reliability;

(III) providing ancillary services;

- (IV) contributing to the decarbonization of the electric grid; and
- (V) integrating intermittent power sources into the grid in a cost-effective manner; and
- (D) identifying ownership and development models that could reduce market barriers to the development of conventional, storage, conduit, and emerging hydropower technologies, including—
 - (i) opportunities for risk-sharing mechanisms and partnerships, including co-ownership models; and
 - (ii) opportunities to foster lease-sale and lease-back arrangements with publicly owned electric utilities.

(2) TECHNICAL CONFERENCE AND PUBLIC COMMENT.—In preparing the report under paragraph (1), the Commission shall solicit public input, including by convening a technical conference and providing an opportunity for public submission of written comments on a draft report.

SEC. 703. REGULATIONS TO ALIGN TIMETABLES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Federal Energy Regulatory Commission (referred to in this section as the “Commission”) shall issue regulations under part I of the Federal Power Act (16 U.S.C. 792 et seq.), as the Commission determines to be appropriate, that seek to ensure all original licensing and relicensing decisions under that part may be made by the date that is not later than 180 days after the date on which an environmental document prepared in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is published with respect to the applicable project.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date on which the regulations required under subsection (a) are issued, the Commission shall submit to Congress a report describing any regulations outside of the jurisdiction of the Commission, and any relevant statutory requirements, that would prevent a project from meeting the timetables established pursuant to those regulations.

(2) ANNUAL REPORT UNDER NEPA.—The Commission shall include in each annual report submitted under section 107(h) of the National Environmental Policy Act of 1969 (42 U.S.C. 4336a(h)) a description of—

(A) all licensing and relicensing applications that failed to meet the applicable timetable established pursuant to subsection (a) during the period covered by the report; and

(B) the reasons for each failure to meet that timetable.

(c) EFFECT.—Nothing in this section modifies the obligations of the Commission or any other agency under—

- (1) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
- (2) the Federal Power Act (16 U.S.C. 791a et seq.); or
- (3) any other Federal law.

TITLE VIII—HIRING AND RETENTION

SEC. 801. FEDERAL ENERGY REGULATORY COMMISSION STAFFING.

(a) CONSULTATION REQUIREMENT.—Section 401(k) of the Department of Energy Organization Act (42 U.S.C. 7171(k)) is amended—

- (1) by striking paragraph (6); and
- (2) by redesignating paragraph (7) as paragraph (6).

(b) CERTIFICATION REQUIREMENTS.—Section 401(k)(2)(A) of the Department of Energy Organization Act (42 U.S.C. 7171(k)(2)(A)) is amended by striking “or mathematical” and inserting “mathematical, economic, or legal”.

SEC. 802. COMPENSATION FLEXIBILITY TO ADDRESS RETENTION AND HIRING ISSUES AT THE BONNEVILLE POWER ADMINISTRATION.

Section 10 of the Act of August 20, 1937 (commonly known as the “Bonneville Project Act of 1937”) (50 Stat. 736, chapter 720; 16 U.S.C. 832i), is amended by striking the section designation and subsections (a) and (b) and inserting the following:

“SEC. 10. EMPLOYMENT OF PERSONNEL.

“(a) EMPLOYEE COMPENSATION PROGRAM.—

“(1) IN GENERAL.—Notwithstanding any other law, rule, regulation, or directive relating to the payment of Federal employees (other than chapter 83 of title 5, United States Code), the administrator shall develop, implement, and, as appropriate, update, based on the results of an annual review under paragraph (4), a compensation plan that specifies and fixes the compensation (including salary or any other pay, bonuses, benefits, incentives, and any other form of re-

muneration) for employees of the administrator, including members of the Senior Executive Service (as defined in section 2101a of title 5, United States Code).

“(2) INITIAL COMPENSATION PLAN.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Energy Permitting Reform Act of 2024, the administrator shall, in consultation with the Director of the Office of Personnel Management, and subject to confirmation and approval by the Secretary of Energy, which shall not be unreasonably withheld, develop an initial compensation plan under paragraph (1).

“(B) IMPLEMENTATION.—Not later than 1 year after the date on which the initial compensation plan is developed under subparagraph (A), the administrator shall implement the initial compensation plan.

“(3) REQUIREMENTS.—A compensation plan developed under paragraph (1) shall—

“(A) be based on an annual survey of the prevailing compensation for similar positions in the public sectors of the electric industry;

“(B) be consistent with the approved annual general and administrative budget of the administrator and encourage the widest diversified use of electric power at the lowest possible rates to consumers consistent with sound business principles;

“(C) provide that education, experience, level of responsibility, geographic differences, and retention and recruitment needs are to be taken into account in determining the compensation of employees of the administrator;

“(D) provide that the individual total compensation of the administrator and any employee of the administrator shall be comparable to and competitive with similar positions among consumer-owned utilities in the Western Interconnection.

“(4) ANNUAL REVIEW.—

“(A) IN GENERAL.—Annually, the administrator shall review and update, as appropriate, the compensation plan developed under paragraph (1).

“(B) COMPENSATION OF THE ADMINISTRATOR.—Notwithstanding any other law, rule, regulation, or directive relating to the payment of the administrator (other than chapter 83 of title 5, United States Code), the Secretary shall periodically review and update, as appropriate, the compensation of the administrator consistent with paragraph (3)(D).

“(C) PUBLICATION OF INFORMATION.—The administrator shall include in the quarterly public business review of the administrator or any other appropriate public review of the operations and finances of the administrator information on the applicable annual compensation plan review under subparagraph (A), including information on the amount of salaries of any employees whose annual salaries would exceed the annual rate payable for positions at Level IV of the Executive Schedule under section 5315 of title 5, United States Code.

“(5) ANNUAL PUBLICATION.—Annually, the administrator shall publish the compensation plan developed under paragraph (1) or updated under paragraph (4), as applicable.

“(b) APPOINTMENT; EMPLOYMENT.—

“(1) IN GENERAL.—The administrator may, as the administrator determines to be necessary to carry out this Act, subject to applicable civil service laws—

“(A) appoint any officers and employees;

“(B) employ laborers, mechanics, and workers for construction work or the operation and maintenance of electrical facilities; and

“(C) fix the compensation of individuals appointed under subparagraph (A) or (B), respectively, consistent with the applicable compensation plan developed under subsection (a)(1).

“(2) EXEMPTION FROM CERTAIN CIVIL SERVICE LAWS.—In carrying out the authority provided by paragraph (1), the administrator shall be exempt from chapters 34, 43, 51, 53, 57, and 59 of title 5, United States Code.

“(3) APPLICATION OF MERIT SYSTEM PRINCIPLES.—Employees of the administrator are subject to the application of the merit system principles set forth in section 2301 of title 5, United States Code, to the extent that the principles apply to a wholly owned Government corporation.

“(4) EMPLOYMENT OF PHYSICIANS.—The administrator may employ physicians, without regard to the civil service laws (including regulations), to perform physical examinations of employees of the administrator or prospective employees of the administrator who are or may become laborers, mechanics, and workers described in paragraph (1)(B).

“(5) EMPLOYMENT OF EXPERTS.—The administrator may appoint, without regard to the civil service laws (including regulations), any experts that the administrator determines to be necessary to carry out the functions of the administrator under this Act.”.

SEC. 803. NORTHWEST POWER AND CONSERVATION COUNCIL.

Section 4(c)(10)(B) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839b(c)(10)(B)) is amended by striking the period at the end and inserting “, adjusted for inflation since the date of enactment of the Energy Permitting Reform Act of 2024.”.

SEC. 804. FEDERAL ENERGY REGULATORY COMMISSION PERSONNEL SAFETY.

The Federal Energy Regulatory Commission may authorize employees of the Federal Energy Regulatory Commission to perform law enforcement duties as needed to ensure the safety of the Chairman and Commissioners of the Federal Energy Regulatory Commission in the performance of the official duties of the Chairman and Commissioners, respectively.

PURPOSE

The purpose of S. 4753 is to reform leasing, permitting, and judicial review for certain energy and minerals projects, and for other purposes.

BACKGROUND AND NEED

Our nation depends on the reliable domestic production and transmission of adequate supplies of affordable energy and minerals to light, heat, and cool our homes, to fuel our industries and commerce, and to ensure our national security. It depends too on a fair and efficient regulatory system to regulate the development of our energy and mineral resources and ensure that they are developed in a timely and responsible manner.

That is because much of our energy, whether coal, oil, or natural gas, or solar, wind, or geothermal energy, is produced on federal land, whether onshore or offshore. Much of our hydroelectric energy is generated by federally owned or licensed dams. Many of the non-fuel minerals upon which we depend are also mined on federal land. Energy must be transmitted from where it is generated to where it is consumed by federally regulated interstate natural gas pipelines and electric transmission lines.

Permitting systems breaks down when lease sales are arbitrarily “paused” or cancelled, permit issuance is unreasonably delayed, natural gas export facilities are unable to get necessary permits, builders of electric transmission facilities are unable to plan new infrastructure and acquire rights-of-way, and permitting decisions are trapped in unending cycles of litigation. These problems are even more acute today, in light of global conflicts in which energy is being used as a weapon.

Legislation is needed to improve the federal permitting process for energy and minerals to ensure timely and predictable permitting decisions and to ensure the nation has adequate supplies of affordable and reliable energy and minerals.

LEGISLATIVE HISTORY

S. 4753 was introduced by Senators Manchin and Barrasso on July 23, 2024, and ordered reported by the Committee on Energy and Natural Resources with an amendment in the nature of a substitute on July 31, 2024.

Senator Manchin began working on what became S. 4753 began in early 2022, during the 117th Congress, shortly after Russia invaded Ukraine. Prior legislation, the Building American Energy Security Act of 2022, was offered by Senator Schumer for Senator Manchin on December 13, 2022, as Amendment No. 6513 to H.R. 7776, the National Defense Authorization Act for Fiscal Year 2023. 168 Cong. Rec. S7137–S7145 (Dec. 13, 2022). The amendment was withdrawn, however, when the Senate failed to invoke cloture on the amendment by a vote of 47 to 47 on December 15, 2022. 168 Cong. Rec. S7233 (Dec. 15, 2022).

Senator Manchin introduced similar legislation, S. 1399, the Building American Energy Security Act of 2023, early in the 118th Congress, on May 2, 2023. Senator Barrasso introduced S. 1456, the Spur Permitting of Underdeveloped Resources or SPUR Act, two days later, on May 4, 2023. The Committee held oversight hearings on the energy and mineral permitting process reforms on May 11, 2023, on permitting reforms for electric transmission lines, pipelines, and energy projects on federal lands on July 26, 2023, and on growth in demand for electric power in the United States—a key driver of need for new energy infrastructure—on May 21, 2024.

Consultations continued between the Chairman and Ranking Member, with other Senators, with federal regulators, and other interested parties, including the regulated industries on the remaining energy and minerals permitting reforms since that time, culminating in the introduction of S. 4753 on July 23, 2024.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on July 31, 2024, by a majority vote of a quorum present, recommends that the Senate pass S. 4753, if amended as described herein.

The roll call vote on reporting the measure was 15 yeas and 4 nays, as follows:

| YEAS | NAYS |
|-------------------|---------------|
| Mr. Manchin | Mr. Wyden * |
| Ms. Cantwell * | Mr. Sanders * |
| Mr. Heinrich | Ms. Hirono * |
| Mr. King | Mr. Hawley |
| Ms. Cortez Masto | |
| Mr. Hickenlooper | |
| Mr. Padilla | |
| Mr. Barrasso | |
| Mr. Risch | |
| Mr. Lee * | |
| Mr. Daines | |
| Ms. Murkowski | |
| Mr. Hoeven | |
| Mr. Cassidy * | |
| Mrs. Hyde-Smith * | |

* Indicates vote by proxy.

COMMITTEE AMENDMENT

During its consideration of S. 4753, the Committee adopted an amendment in the nature of a substitute. The substitute amendment incorporated multiple modifications and amendments intended to be offered by members of the Committee to S. 4753 as introduced, as well as an amendment to the substitute adopted by the Committee. The substitute, as amended, added the Federal Land Policy and Management Act of 1976 and title I of the Naval Petroleum Reserves Production Act to the list of statutes and hazardous fuel reduction and forest restoration projects to the types of authorizations included under section 101(a)(1)(B); added hazardous fuel reduction and forest restoration projects in section 101(a)(3); revised the amendment to the Indian Right-of-Way Act in section 205 to mirror the amendment to the Act reported by the Committee on Indian Affairs (S. 1322); added definitions in the renewable energy permitting provision in section 206; added provisions to protect landowners in eminent domain proceedings under section 401; underscored the preservation of the jurisdictional status of certain transmitting utilities under sections 401 and 402; added a study of transmission capacity constraints and congestion in Alaska in section 402; added new sections 702 and 703 relating to hydropower; and added a new title VIII to facilitate the hiring and retention of employees at the Federal Energy Regulatory Commission and the Bonneville Power Administration, to ensure adequate funding of the Pacific Northwest Electric Power and Conservation Planning Council, and to ensure the safety and security of the members of the Federal Energy Regulatory Commission.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title; Table of contents

Section 1 provides a short title and table of contents.

TITLE I—ACCELERATING CLAIMS

Section 101. Accelerating claims

Section 101(a) defines key terms used in section 101.

Paragraph (1) defines “authorization” to mean a broad range of administrative decisions under federal law required for all stages of a “project” (as defined in paragraph (3)). Paragraph (1)(B) provides a list of examples of authorizations included within the meaning of the term. As used in subparagraph (B) and throughout the bill, the term “includes” or “including” is used to as a term of illustration, not limitation, to introduce a non-exhaustive list of examples. A. Scalia & B. Garner, Reading Law 132–133 (2012).

Paragraph (2) defines “environmental document” to mean a document prepared under the National Environmental Policy Act (NEPA) and includes a record of decision, in addition to the documents listed in the definition of the term given in section 111(5) of NEPA (*i.e.*, an environmental impact statement, an environmental assessment, or a finding of no significant impact).

Paragraph (3) defines “project” to mean a project that requires an “authorization” and the preparation of an “environmental document” and is proposed for the construction of infrastructure to develop, produce, generate, store, transport, or distribute energy; to

capture, remove, transport, or store carbon dioxide; to mine, extract, beneficiate, or process minerals; or for hazardous fuel reduction and forest restoration to protect communities from wildfire.

Paragraph (4) defines “project sponsor” to mean the entity seeking “authorization” for a “project.”

Subsection (b) establishes a 150-day statute of limitations to seek judicial review of an agency action granting or denying an authorization for a project, unless a shorter deadline is established elsewhere in applicable federal law. The deadline to file a civil action is based on the date the agency granted or denied the authorization.

Subsection (c) requires reviewing courts to give priority to civil actions seeking judicial review of final agency actions granting or denying authorizations for projects.

Subsection (d) requires that if a court remands a federal agency authorization for a project back to the agency (with or without vacating the authorization), the court must set a reasonable schedule and deadline for the agency to act on remand, not to exceed 180 days, unless a longer time period is necessary to comply with applicable law. It also requires federal agencies to take such actions as may be necessary to expeditiously resolve remanded actions in accordance with the schedule and deadline set by the court.

Subsection (e) clarifies that for purposes of the statute of limitations established in subsection (b), supplemental or revised environmental documents published at a later date shall be considered separate actions subject to a separate 150-day statute of limitations.

Subsection (f) requires that when an agency is served a copy of a petition for judicial review of an authorization for a project, the agency shall notify the project sponsor about the lawsuit within 30 days.

Subsection (g) clarifies that nothing in title I precludes a project from being designated as a “covered project” under the federal permitting provisions in title 41 of the Fixing America’s Surface Transportation (FAST) Act.

TITLE II—FEDERAL ONSHORE ENERGY LEASING AND PERMITTING

Section 201. Onshore oil and gas leasing

Section 201(a) amends section 50265(b) of Public Law 117–169 (commonly known as the Inflation Reduction Act), which requires a balance between wind and solar energy development on federal land with oil and gas lease sales. The amendment clarifies that the Secretary of the Interior is required to offer for lease at least 50 percent of the acreage nominated for oil and gas leasing, or at least two million acres (whichever is less), in the year prior to the date on which the Secretary issues any right-of-way for wind or solar development on federal land, counting only acres that were nominated in previously submitted expressions of interest. This clarification ensures that the leasing requirement is met based on acreage for which expressions of interest have actually been submitted for lease sales in previous years.

Subsection (b)(1) amends the oil and gas leasing provisions in section 17(b) of the Mineral Leasing Act by adding two new paragraphs (3) and (4) to section 17(b). New paragraph (3) requires the

Secretary to lease parcels as nominated and not divide them into multiple parcels, unless a subpart of the submitted parcel is not open to oil or gas leasing under the approved resource management plan. New paragraph (4) clarifies that the Secretary must lease parcels under the terms of the approved resource management plan for the planning area, and can continue to do so even if that plan is undergoing an amendment process.

Subsection (b)(2) adds a new paragraph (3) to section 17(q) of the Mineral Leasing Act to require that the expression of interest fee for nominated parcels be paid by the winning bidder, if different than the nominating party.

Section 202. Term of application for permit to drill

Section 202 amends section 17(p) of the Mineral Leasing Act to provide that approved permits to drill on federal land are valid for a single four-year period rather than the current three-year period.

Section 203. Permitting compliance on non-federal land

Section 203(a) removes requirements for a federal permit to drill for oil and gas wells on non-federal surface land where the federal government does not own or lease the surface and owns less than 50 percent of the subsurface minerals, or where the well is located on non-federal land overlying a non-federal mineral estate but it enters and produces from a federal mineral estate or traverses a federal mineral estate. Subsection 203(a) does not affect requirements state or tribal permit requirements.

Subsection (b) requires lessees and the applicable state to notify the Secretary of the Interior of an application for a state drilling permit and the approval of that application for any well covered by subsection (a). Subsection (b)(3) requires the lessee to provide the necessary agreements for the Secretary to enter the non-federal surface for inspection and enforcement activities.

Subsection (c) makes clear that section 203 does not apply on Indian lands.

Subsection (d) clarifies that the removal of a federal permit in subsection (a) does not impact the amount of royalties due to the federal government on that lease.

Subsection (e) amends section 17(g) of the Mineral Leasing Act, relating to the regulation of surface-disturbing activities, by adding a new paragraph (2) that prohibits the Secretary from imposing bonding, entry, mitigation, or reclamation requirements in the case of oil and gas leases on non-federal surface estate where the federal government owns less than 50 percent of the subsurface minerals, or where the well overlies a non-federal mineral estates but enters and produces from a federal mineral estates or traverses a federal mineral estate.

Section 204. Coal leases on federal land

Section 204(a) amends the coal leasing provisions in section 2(a) of the Mineral Leasing Act by adding a new paragraph (6) that sets deadlines for the Secretary to act on a request for a lease sale or a lease modification for coal located on federal lands. Specifically, new paragraph (6)(A) requires the Secretary of the Interior to commence the review process for these leases within 90 days of receiving a lease request. New paragraph (6)(B) requires the Secretary

to issue a record of decision within 90 days of finalizing the environmental review. Paragraph (6)(C) requires the Secretary to determine the fair market value of the coal proposed to be leased within 30 days of issuance of the record of decision.

Subsection (b) makes conforming amendments in section 2(a) the Mineral Leasing Act.

Subsection (c) corrects a misspelling in section 2(b) of the Mineral Leasing Act.

Section 205. Rights-of-way across Indian land

Section 205 incorporates the text of section 2(c) of S. 1322 as reported by the Committee Affairs, S. Rept. 118–159. It adds a new section 8 to the Indian Right-of-Way Act of 1948 (25 U.S.C. §§ 323–328).

Subsection (a) of the new section 8 enables Indian Tribes to grant rights-of-way over their Tribal lands without the approval of the Secretary of the Interior, so long as the Tribe grants the right-of-way in accordance with a Tribal regulation approved by the Secretary. Subsection (b)(2)(A) provides that the Secretary shall approve a Tribal regulation if consistent with the Secretary’s regulations for administering the Indian Right-of-Way Act and if it provides for an environmental review that identifies and evaluates significant environmental impacts and provides a process for informing the public of any significant environmental impacts and for receiving and addressing public comments on significant environmental impact before approving the right-of-way. Subsection (b)(2)(B) states that the Secretary of the Interior’s decision to approve a Tribal regulation is not subject to NEPA, the Historic Preservation Act, or the Endangered Species Act, but does not otherwise modify the requirements of those laws with respect to any other actions.

Section 206. Accelerating renewable energy permitting

Section 206(a) defines key terms used in section 206.

Section 206(b) sets deadlines for the Secretaries of the Interior and Agriculture to act on applications for rights-of-way on federal land for renewable energy projects. Paragraph (1)(A) sets a 30-day deadline for determining whether an application is complete and a 90-day deadline to issue a notice of intent for projects requiring an environmental impact statement. Paragraph (2)(A) sets a 30-day deadline to issue a cost recovery agreement. Paragraph (2)(B) sets a 30-day deadline for the Secretaries to grant or deny an application if all legal requirements are complete or to notify the applicant of actions needing to be taken and timelines for completing those actions.

Subsection (c)(1) requires the Secretaries of the Interior and Agriculture to develop new or adopt existing categorical exclusions for low disturbance activities for renewable energy projects.

Subsection (c)(2) identifies the “low disturbance activities” referred to in subsection (c)(1). The activities are: surface disturbances of less than five acres at sites that have previously undergone NEPA review; activities at a location at which the same type of activity occurred within five years; activities on previously disturbed or developed land (as defined in Department of Energy regulations at 10 C.F.R. 1021.410(g)(1)) that were reasonably foresee-

able in previous relevant NEPA documents approved within the last five years; installation, modification, operation, or removal of commercially available solar photovoltaic systems on buildings or structures (e.g., rooftop or parking lot solar) or previously disturbed or develop lands comprising less than 10 acres; minor maintenance; preliminary geotechnical investigations; or constructing and removing meteorological evaluation towers.

Section 207. Improving renewable energy coordination on federal land

Section 207(a)(1) directs the Secretary of the Interior, in consultation with the Secretary of Agriculture and other heads of relevant federal agencies to set a new target date, not later than 2030, for the authorization of 50 gigawatts of renewable energy on federal land, under section 3104 of the Energy Act of 2020.

Subsection (a)(2) amends section 3104 of the Energy Act of 2020 by requiring periodic revision of the national goals in section 3104(a), and by adding a new subsection (c) to section 3104, to require the Secretary of the Interior, in consultation with other federal agency heads, to seek to issue permits authorizing, in total, sufficient electricity to meet or exceed the national goals.

Subsection (b) adds energy storage (paired with wind, solar, or geothermal) to the definition of eligible project under section 3101 of the Energy Act of 2020, including it in the scope of the Renewable Energy Coordination Office (RECO) programs.

Subsection (c)(1) amends section 3102 of the Energy Act of 2020. Paragraph (1) augments the Secretary's authority to assign staff to RECOs under section 3102(a) by making clear he or she may assign staff "sufficient to achieve the goals for renewable energy production on Federal land" established under section 3104.

Subsection (c)(2) redesignates subsection current section (f) and (h).

Subsection (c)(3) adds two new subsections (f) and (g). New subsection (f) adds a requirement that the national RECO promulgate energy project review standards to be adopted by the regional RECOs in order to encourage standardized procedures and reviews. New subsection (g) clarifies that the Secretary of the Interior may accept donations from renewable energy companies to improve community engagement in the permitting process.

Subsection (d) clarifies that this section does not modify existing requirements for the Secretary of the Interior to conduct a minimum amount of onshore oil and gas lease sales in certain years before issuing rights-of-way for renewable energy projects in the subsequent year.

Section 208. Geothermal leasing and permitting improvements

Section 208(a) directs the Secretaries of the Interior and Agriculture to develop new or adopt existing categorical exclusions under NEPA for activities required to test, monitor, calibrate, explore, or confirm geothermal resources on federal land, as long as the individual disturbances are less than ten acres. These activities may not include the commercial production of geothermal resources, the commercial use of those resources, or the construction of permanent roads.

Subsection (b) amends section 4(b)(2) of the Geothermal Steam Act of 1970 to require annual (instead of biennial) federal geothermal lease sales and adds a new paragraph (5) that requires the Secretary to hold replacement sales if previously scheduled lease sales are cancelled or delayed.

Subsection (c) adds a new subsection (h) to section 4 of the Geothermal Steam Act of 1970. New subsection (h)(1) requires the Secretary to notify applicants for geothermal drilling permits that their application is complete or that specific information is missing within 10 days after receiving the application. New subsection (h)(2) requires the Secretary to grant or deny the application within 30 days after the applicant submits a complete application if the requirements of NEPA and other applicable laws are met or to notify the applicant of the specific actions that need to be taken and the timelines for completing those actions.

Subsection (d) amends section 24 of the Geothermal Steam Act of 1970 to direct the Secretary of the Interior to issue rules for cost recovery to accelerate the processing of geothermal leases, permits, and authorizations.

Subsection (e) directs the Secretary of the Interior to issue regulations and establish a permitting process for simultaneous, concurrent consideration of multiple phases of a geothermal project.

Subsection (f) amends the categorical exclusions for certain oil and gas activities in section 390 of the Energy Policy Act of 2005 to cover geothermal resources in the same manner.

Subsection (g) directs the Secretary of the Interior to appoint a Geothermal Ombudsman within the Bureau of Land Management (BLM) responsible for: liaising between field offices, the national RECO, and BLM; providing dispute resolution services between BLM field offices and applicants; monitoring permit processing and developing best practices; and coordinating with the Federal Permitting Improvement Steering Council. Subsection (g)(3) requires the Ombudsman to report annually to Congress on the Ombudsman's activities and the effectiveness of geothermal permit processing.

Section 209. Electric grid projects

Section 209(a) defines “previously disturbed or developed” consistent with existing Department of Energy regulations (*i.e.*, 10 C.F.R. 1021.410(g)(1)).

Subsection (b) directs the Secretaries of the Interior and Agriculture to develop new or adopt existing categorical exclusions under NEPA for: developing electric transmission or distribution facilities within recently approved rights-of-way corridors; modifications or upgrades to existing electric transmission or distribution facilities or other grid infrastructure within existing rights-of-way or on otherwise previously disturbed or developed land, including reconductoring and the installation of grid-enhancing technologies; and the deployment of batteries or other energy storage technologies on previously disturbed or developed land (*e.g.*, collocated with an existing power plant).

Section 210. Hardrock mining mill sites

Section 210(a) amends the Mining Law of 1872 by adding a new subsection (c) to section 2337 of the Revised Statutes. The new sub-

section authorizes mining claim holders to establish mill sites on federal land, whether the land is known to contain minerals or not, for waste rock or tailings disposal or other operations reasonably incident to mineral development or production.

Paragraph (1) of the new subsection (c) defines key terms used in the subsection.

Paragraph (2) authorizes a mining claim holder to claim as many mill sites as are reasonably necessary for its operations.

Paragraph (3) states that a mill site does not convey mineral rights to the claimant.

Paragraph (4) limits the size of each mill site to no more than 5 acres.

Paragraph (5) allows the holder or operator of a mining claim to locate a mill site on that mining claim.

Paragraph (6) states that claiming a mill site does not affect the validity of an associated mining claim.

Paragraph (7) states that the new mill sites are not eligible for patenting.

Paragraph (8) states that the new subsection (c) does not affect existing rights or other laws.

Section 210(b) establishes a new Abandoned Hardrock Mine Fund in the Treasury and directs that all claim maintenance fees paid by claimants to the Secretary of the Interior under section 1010 of the Omnibus Budget Reconciliation Act of 1993 for the new mill site claims established under subsection (a) are to be deposited into the new Fund, where they will be available, without further appropriation, to carry out the Abandoned Hardrock Mine Reclamation program established by section 40704 of the Infrastructure Investment and Jobs Act.

Subsection (c) makes clerical amendments to section 1010 of the Omnibus Budget Reconciliation Act of 1993, which governs the payment of claim maintenance fees for mill sites and mining claims.

TITLE III—FEDERAL OFFSHORE ENERGY LEASING AND PERMITTING

Section 301. Offshore oil and gas leasing

Section 301(a) requires the Secretary of the Interior to hold at least one offshore oil and gas lease sale per year over the five-year period from 2025 to 2029, for a minimum of five sales.

Section 301(b) sets the lease terms and conditions to be offered in the sales. Paragraph (1) requires that the sales offer a minimum of 60 million acres in each sale. Paragraph (2) requires the Secretary to offer the same lease form, lease terms, economic conditions, and stipulations contained in Lease Sale 261 in December 2023. Paragraph (3) requires the Secretary to issue leases not later than 90 days after the lease sale, subject to longstanding procedures for determining the adequacy of received bids.

Nothing in section 301 affects areas withdrawn from leasing by law, including those areas formerly designated by section 104(a) of the Gulf of Mexico Energy Security Act of 2006 and further withdrawn by presidential memoranda.

Section 302. Offshore wind energy

Section 302(a) requires the Secretary of the Interior to hold at least one offshore wind lease sale per year over the five-year period from 2025 to 2029, for a minimum of five sales.

Subsection (b) establishes that at least 400,000 acres must be offered per year in sales described in subsection (a), and that a lease of less than 80,000 acres will not count toward to 400,000-acre requirement.

Subsection (c) requires the Secretary to establish a national goal of 30 gigawatts for offshore wind energy production, set a target date to achieve that goal, and periodically revise the goal.

Subsection (d)(1) amends section 8(p)(4)(I) of the Outer Continental Shelf Lands Act to more clearly state that, in carrying out permitting activities under section 8(p), the Secretary of the Interior must prevent *unreasonable* interference with *other* uses of the exclusive economic zone, the high seas, and the territorial seas (rather than prevent *any* and *all* interference with *reasonable* uses).

Subsection (d)(2) amends section 8(p)(10) of the Outer Continental Shelf Lands Act by adding an exception to the conservation areas currently excluded from the Secretary of the Interior's authority to grant leases, easements, and rights-of-way for renewable energy projects. The new exception will allow the Secretary to authorize rights-of-way within National Marine Sanctuaries for the transmission of electricity generated by or produced from renewable energy projects in consultation with the Secretary of Commerce under section 304(d) of the National Marine Sanctuaries Act. In addition, subsection (d)(2) adds a new paragraph (11) to section 8(p) that requires that permits and authorizations granted under the National Marine Sanctuaries Act for the installation, operation, or maintenance of electric transmission cables on a right-of-way described in section 8(p)(10)(B) to be for a term equal to the duration of the right-of-way granted by the Secretary of the Interior. Nothing in this subsection alters the existing requirement to seek a permit from the Secretary of Commerce under the National Marine Sanctuaries Act for the installation, operation, or maintenance of electric transmission cables within a National Marine Sanctuary.

Subsection (e) clarifies that nothing in this section modifies existing requirements for the Secretary to conduct a minimum amount of offshore oil and gas lease sales in certain years before issuing offshore wind leases in the subsequent year.

TITLE IV—ELECTRIC TRANSMISSION

Section 401. Transmission permitting

Section 401(a) strikes the existing section 216(a) of the Federal Power Act (relating to the designation of “national interest electric transmission corridors” by the Secretary of Energy) and inserts a new subsection (a) that defines key terms used in section 216.

Section 401(b) amends section 216(b) of the Federal Power Act, relating to the issuance of construction permits for electric transmission facilities by the Federal Energy Regulatory Commission. Paragraph (1) of section 401(b) amends section 216(b) to enable the Commission to issue a permit for the construction or modification of an electric transmission facility, after public notice, an oppor-

tunity for a hearing, and a public comment period of at least 60 days, if the Commission finds that the construction or modification of the electric transmission facility to be in the national interest. Affected transmission planning regions may provide information during the public comment period on how a proposed electric transmission facility would affect existing transmission planning.

Paragraphs (2) and (3) of section 401(b) amend the findings the Commission must make under section 216(b) in order to issue a national interest construction permit. Paragraph (3) makes three principal changes in the list of findings required by current law. First, it amends section 216(b)(2) to make clear that a transmission facility that transmits electricity from the Outer Continental Shelf may qualify as in the national interest if the facility improves transmission of electric energy in interstate commerce, though transmission from the Outer Continental Shelf remains nonjurisdictional to the Commission unless it affects interstate commerce. Second, paragraph (3) amends section 216(b)(4) to require the Commission to find that a proposed construction or modification will provide improved reliability as defined in new section 225(a)(3) proposed to be added to the Federal Power Act by section 402 of the bill. Third, paragraph (3) inserts a new paragraph (6) and redesignates existing paragraph (6) as paragraph (7). New paragraph (6) requires the Commission to find that the transmission facility be capable of transmitting electricity at a voltage of at least 100 kilovolts, or in the case of facilities that include advanced transmission conductors (including superconductors), at voltages determined to be appropriate by the Commission.

Section 401(c) preserves the requirement in existing section 216(d) that the Commission consult affected states, Indian tribes, federal agencies, private property owners, and other interested persons before it issues a construction permit, but redesignates section 216(d) as paragraph (2) of section 216(d) and adds two new paragraphs. New paragraph (1) makes it clear that the Commission may not issue a construction permit within a state unless the criteria for state siting in subsection (b)(1) are satisfied. New paragraph (3) requires the Commission to take landowner input into account in authorizing the construction or modification of an electric transmission facility under section 216(b).

Section 401(d) amends section 216(e) to require federal district courts to apply rule 71.1 of the Federal Rules of Civil Procedure in eminent domain proceedings under section 216(e). That rule spells out the procedural requirements (but not substantive matters such as the amount of compensation due) for eminent domain proceedings that result from the Commission's issuance of a construction permit.

Section 401(e)(1) strikes existing section 216(f) (relating to the payment and calculation of just compensation for property taken by eminent domain under section 216(e)) as unnecessary and potentially inconsistent with the judicial power of the federal courts. The Supreme Court has held that a landowner's right to receive just compensation for property taken by eminent domain rests on the Fifth Amendment to the Constitution and statutory recognition is not necessary. *Jacob v. United States*, 290 U.S. 13, 16 (1933). It has also held that the determination of the measure of just compensation is a judicial question for the courts, and not a legislative one

for Congress. *Monongahela Navigation Co. v. United States*, 148 U.S. 312, 327 (1893). Most federal courts in which these proceedings have arisen have applied state law (including state laws awarding landowners more than fair market value for their property) to the substantive determination of just compensation.

In place of the stricken text, section 401(e) inserts a new subsection (f) relating to cost allocation. Paragraph (1) of the new subsection (f) requires utilities that receive a construction permit for a project in the national interest under section 216 to file a tariff with the Commission for its approval allocating the costs of the new or modified transmission facilities.

Paragraph (2) of section 216(f) directs the Commission to require that tariff filings under section 216(f) be just and reasonable and in accordance with the cost-causation principle. Section 205 of the Federal Power Act has long required that all rates charged for the transmission and sale of electric energy subject to the jurisdiction of the Commission must be “just and reasonable.” 16 U.S.C. 824d(a). “For decades, the Commission and the courts have understood this requirement to incorporate a ‘cost-causation principle’—the rates charged for electricity should reflect the cost of providing it.” *Old Dominion Electric Cooperative v. FERC*, 898 F.3d 1254, 1255 (D.C. Cir. 2018) (citing *Alabama Electric Cooperative, Inc. v. FERC*, 684 F. 2d, 27 (D.C. Cir. 1982)). The courts “have described this principle as ‘requiring that all approved rates reflect to some degree the costs actually caused by the customer who must pay them.’” *Midwest ISO Transmission Owners v. FERC*, 373 F.3d 1361, 1368 (D.C. Cir. 2004) (opinion by Circuit Judge, now Chief Justice, John Roberts) (quoting *KN Energy, Inc. v. FERC*, 968 F.2d 1295, 1300 (D.C. Cir. 1992)).

Paragraph (2) further provides a list of six examples of system-wide benefits to customers that may result from transmission system enhancements permitted under section 216(b).

Paragraph (3) of section 216(f) emphasizes that the Commission may not approve a tariff that requires customers that “derive no benefits, or benefits that are trivial in relation to the costs” involuntarily allocated to them. *Illinois Commerce Commission v. FERC*, 576 F.3d 470, 476 (7th Cir. 2009). Nothing in this section prevents transmitting utilities and their customers from reaching voluntary agreements on cost recovery, as is already allowed under existing law.

The Committee expects that the courts will continue to “evaluate compliance with this unremarkable principle by comparing the costs assessed against a party to the burdens imposed or benefits drawn by that party.” *Midwest ISO*, 373 F.3d at 1368 (citing *KN Energy*, 968 F.2d at 1300–1301, citing *Alabama Electric Cooperative*, 684 F.2d at 27).

Section 401(e)(2) clarifies that offshore electric transmission facilities qualify for cost allocation under section 216(f) so long as they meet the applicable requirements of section 216(b).

Section 401(f)(1) amends section 216(h) of the Federal Power Act (relating to coordination of federal authorizations for transmission facilities). It provides that the Commission, rather than the Department of Energy, shall be the lead agency for environmental reviews under NEPA for onshore transmission projects under section 216(b) or the new section 225 proposed to be added by to the Federal

Power Act by section 402. It further provides, however, that the Department of the Interior will be the lead agency for facilities located on a lease, easement, or right-of-way on the Outer Continental Shelf granted by the Secretary of the Interior under section 8(p)(1)(C) of the Outer Continental Shelf Lands Act.

Paragraphs (2) through (5) of section 401(f) make conforming amendments to section 216(h).

Section 401(g) makes conforming amendments to section 216(i) (relating to interstate compacts establishing regional transmission siting agencies).

Section 401(h) amends section 219 of the Federal Power Act to allow FERC to approve cost-recovery for payments to jurisdictions impacted by a project under this section or the new section 225 of the Federal Power Act established under section 402.

Section 401(i) amends section 216(k) of the Federal Power Act, which currently exempts the Electric Reliability Council of Texas (ERCOT, the grid operator for the Texas Interconnect) and ERCOT utilities from section 216. Section 401(i) preserves the current exemption for ERCOT and ERCOT utilities without change, but adds a new paragraph (2) to section 216(k) that makes clear that section 216 applies to all other transmitting utilities, but that entities that are otherwise exempt from the jurisdiction of the Commission under section 201(f) of the Federal Power Act (e.g., rural electric cooperatives and government-owned utilities), do not become “public utilities” subject to the Commission’s jurisdiction under section 201(e) by being subject to the Commission’s jurisdiction for a specific electric transmission facility for which such a utility has sought a construction permit under section 216.

Section 401(j) makes conforming amendments to the Inflation Reduction Act, the Energy Policy Act of 2005, and the Infrastructure Investment and Jobs Act.

Section 401(k) provides that nothing in this section grants the Commission authority under the Federal Power Act over retail sales or the local distribution of electricity, consistent with subsections (a) and (b)(1) of section 201 of the Act.

Section 402. Transmission planning

Section 401(a) adds two new sections, section 224 and section 225, to the Federal Power Act.

New section 224 is largely a reenactment of existing section 216(a) of the Federal Power Act, which is repealed by section 401(a) of the bill. Section 216(a) is reenacted in a different section in order to emphasize that the Department of Energy has no role with respect to the process for obtaining a permit under section 216(b). As reenacted, section 224 will still require the Secretary of Energy to conduct studies and make reports on electric transmission capacity constraints and congestion. The principal differences between existing section 216(a) and the new section 224 are that the new section omits existing paragraph (4) and any references to the designation of national interest corridors, and it adds a new subsection (d) relating to intrastate transmission capacity constraints and congestion in Alaska.

Subsection (a) of the new section reenacts without substantive change existing section 216(a)(1) of the Federal Power Act. It re-

quires the Secretary of Energy to conduct a study every three years of electric transmission capacity constraints and congestion.

Subsection (b) of the new section reenacts with only conforming modifications existing section 216(a)(2) of the Federal Power Act. It requires the Secretary of Energy to issue a report every three years identifying geographic areas experiencing or expected to experience transmission capacity constraints or congestion.

Subsection (c) of the new section largely reenacts existing section 216(a)(3) with minor modifications to require the Secretary of Energy to consult with affected transmission planning regions and to conform references to paragraph redesignations.

New subsection (d) requires the Secretary to include intrastate transmission capacity constraints within the State of Alaska in the study required under subsection (a), in consultation with the State, and in the report required under subsection (b), subject to the approval of the Regulatory Commission of Alaska.

New section 225 adds a new interregional transmission planning requirement to the Federal Power Act.

Subsection (a) defines key terms used in the new section.

Subsection (b) contains the same jurisdictional provision for section 225 that section 216(k), as amended by section 401(i) of the bill, provides for section 216 of the Federal Power Act. Paragraph (1) of section 225(b) exempts ERCOT and ERCOT utilities from section 225. Paragraph (2)(A) of section 225(b) gives the Commission jurisdiction over all transmitting utilities (as that term is defined in section 3(23) of the Federal Power Act), including rural electric cooperatives and government-owned utilities that are otherwise exempt from Commission jurisdiction under section 201(f) of the Federal Power Act. Paragraph (2)(B), however, provides that utilities that are otherwise exempt from the jurisdiction of the Commission under section 201(f) of the Federal Power Act, do not become “public utilities” subject to the Commission’s jurisdiction under section 201(e) by being subject to the Commission’s jurisdiction under section 225.

Subsection (c) requires the Commission to adopt a rule on interregional transmission planning not later than 180 days after the date of enactment of S. 4753. The rule is to require neighboring transmission planning regions to plan jointly with each other, to submit to FERC for approval the resulting joint interregional transmission plans, and to establish rate treatments for interregional transmission planning and cost allocation.

Subsection (d) sets forth the elements that joint interregional transmission plans must contain. Paragraph (1) requires that plans contain a common set of input assumptions and models on consistent timelines that allow regions to jointly identify and select specific projects. Subparagraph (A) requires that plans allow for the use of advanced conductors (including superconductors) and reconductoring. Subparagraph (B) requires that plans consider modifications that maximize the transmission capabilities of existing infrastructure and rights-of-way. Subparagraph (C) requires that plans consider existing transmission plans.

Paragraph (2) requires that joint interregional transmission plans contain a common set of benefits for interregional transmission planning and cost allocation that include the same benefits that section 216(f)(2) (as amended by section 401(e)(1) of the bill)

prescribes for allocating the cost of transmission facilities permitted under section 216(b).

Paragraph (3) requires that joint interregional transmission plans contain selection criteria for interregional transmission facilities that provide improved reliability, protect or benefit consumers, and are consistent with the public interest.

Subsection (e) requires that interregional plans be submitted to the Commission within two years after the date of enactment of S. 4753 and are updated at least once every four years thereafter.

Subsection (f) requires the Commission to review interregional plans and approve them if the plans contain the elements required under subsection (d); allocate costs in accordance with subsection (g); ensure that all rates, charges, terms, and conditions for facilities included in the plans are just and reasonable, not unduly discriminatory or preferential; and are consistent with the public interest.

Subsection (g) governs the allocation of costs of constructing or modifying electric transmission facilities under section 225. Paragraph (1) requires transmitting utilities responsible for facilities built or modified under the new section to file a tariff pursuant to section 205 of the Federal Power Act with the Commission for its approval allocating the costs of any new or modified transmission facilities.

Paragraph (2) requires the Commission to ensure that rates charged under tariffs filed under section 225 are just and reasonable and allocate costs in accordance with the cost-causation principle discussed in connection with section 216(f) of the Federal Power Act as amended by section 401(e)(1) of the bill. Paragraph (2) further requires the Commission to ensure that the tariff allocates the cost of providing the benefits described in section 225(d)(2). Paragraph (3) provides that the cost of transmission facilities built or modified under section 225 shall not be allocated to customers that receive no benefit or benefits that are trivial in relation to the costs, as discussed in connection with section 216(f)(3).

Subsection (h) provides that projects selected by transmission planning regions from an interregional plan shall be considered to satisfy the applicable requirements of section 216(b) of the Federal Power Act as amended by section 401(b) of the bill.

Subsection (i) provides a mechanism, in the event of a dispute between regions over a material element of an interregional plan, for the Commission to resolve the matter.

Subsection (j) provides a mechanism, in the event that regions fail to submit an interregional plan, for the Commission to grant an extension or require compliance with a plan based on the record of the planning process.

Subsection (k) provides that the Commission's approval of an interregional plan, or its actions to resolve a dispute with respect to such a plan, shall not be considered a major federal action under NEPA.

Subsection (l) clarifies that this section does not confer, limit, or impair the Commission's authorities under any other provision of law except as expressly provided within section 225.

Section 402(b) of the bill makes conforming amendments to section 201(b)(2) of the Federal Power Act to make clear that subjecting entities that are otherwise exempt from the Commission's

jurisdiction under section 201(f) of the Act (e.g., rural electric cooperatives and government-owned utilities) to the jurisdiction of the Commission under section 225 does not make them “public utilities” under section 201(e) of the Act or subject them to the Commission’s jurisdiction generally.

Section 402(c) provides that nothing in this section grants the Commission authority under the Federal Power Act over retail sales or the local distribution of electricity, consistent with subsections (a) and (b)(1) of section 201 of the Act.

TITLE V—ELECTRIC RELIABILITY

Section 501. Reliability assessments

Section 501 amends section 215(g) of the Federal Power Act. Section 215 authorizes the Commission to designate an Electric Reliability Organization to establish and enforce electric reliability standards that ensure the reliable operation of the bulk power system, subject to the Commission’s approval. Acting pursuant to this authority the Commission designated the North American Electric Reliability Corporation as the Electric Reliability Organization in 2006. 116 F.E.R.C. P61,062. Section 215(g) currently requires the Electric Reliability Organization to conduct periodic assessments of the reliability and resource adequacy of the North American bulk-power system.

Section 501 reenacts section 215(g) as paragraph (1) of section 215(g), gives paragraph (1) the heading “Periodic Assessments,” and adds a new paragraph (2) providing for reliability assessments of federal agency regulations.

Subparagraph (A) of the new paragraph (2) requires the Commission, whenever it determines that a rule, regulation or standard proposed by another federal agency is likely to result in a violation of a mandatory electric reliability standard or resource adequacy requirement or process, to require the Electric Reliability Organization to conduct an assessment and report to the Commission on the effects of the proposed rule, regulation, or standard on the reliable operation of the bulk-power system.

Subparagraph (B) requires that the reliability assessment performed by the Electric Reliability Organization under subparagraph (A) must identify reasonably foreseeable adverse effects of the proposal on grid reliability, account for available ways to mitigate the effects of its proposal, and account for input from affected transmission organizations (e.g., Regional Transmission Organizations).

Subparagraph (C) requires that the Electric Reliability Organization publish the report and submit it to both the Commission and the public docket of the federal agency proposing the rule, regulation, or standard.

Subparagraph (D) provides that the requirements imposed by the new paragraph (2) will apply only to federal agency proposals that are pending on or proposed on or after the date of enactment of S. 4753.

TITLE VI—LIQUEFIED NATURAL GAS EXPORTS

Section 601. Action on applications

Section 601 amends section 3 of the Natural Gas Act by adding a new subsection (g), which sets deadlines for the Secretary of Energy to approve or deny all pending and future applications to export liquefied natural gas (LNG) from the United States to non-Free Trade Agreement countries.

In keeping with existing section 3(a) of the Natural Gas Act, the new subsection (g) uses the term “Commission” to refer to the Secretary of Energy. Section 2(9) of the Natural Gas Act defines “Commission” to mean the Federal Power Commission. The Federal Power Commission was abolished by the Department of Energy Organization Act and its functions under section 3 of the Natural Gas Act were transferred to and vested in the Secretary of Energy in 1977. 42 U.S.C. 7151(b). Accordingly, as used in section 3(g), the term “Commission” refers to the Secretary of Energy, rather than to the Federal Energy Regulatory Commission.

The Secretary of Energy has, however, delegated her authority to approve or deny the construction and operation of natural gas facilities (though not her export licensing authority) to the Federal Energy Regulatory Commission, and in 2005, Congress designated the Federal Energy Regulatory Commission as “the lead agency” for purposes of complying with NEPA. 15 U.S.C. 717n(b)(1). *See Sierra Club v. FERC*, 827 F.3d 36, 40–41 (D.C. Cir. 2016) (explaining this “tangled web of regulatory processes”).

Paragraph (1) of the new subsection (g) requires the Secretary of Energy to grant or deny an export application under section 3(a) within 90 days after the later of the date of enactment of S. 4753 or the date on which the Federal Energy Regulatory Commission or the Maritime Administration (which has authority to license deepwater ports under the Deepwater Port Act of 1974), as applicable, publishes the final environmental review document under the National Environmental Policy Act (NEPA) for the exporting facility.

Paragraph (2) requires the Secretary of Energy to approve or deny all pending and future applications to re-export piped U.S. natural gas as LNG from facilities in Mexico or Canada to non-Free Trade Agreement countries within 90 days after the later of the date of enactment of S. 4753 or the date that the Secretary publishes the draft environmental review document under NEPA for the exporting facility.

Paragraph (3) requires the Secretary of Energy to approve or deny all pending and future applications to extend an approved authorization to export or re-export LNG within 90 days of the date that the Secretary has received the application.

Paragraph (4) provides that if the Secretary fails to approve or deny any of the applications subject to subsection (g) within the applicable 90-day timeline, the application is deemed approved.

Section 602. Supplemental reviews

Section 602 addresses the macroeconomic export study and greenhouse gas reviews that the Department of Energy relies on in determining whether natural gas exports to non-Free Trade Agree-

ment countries are consistent with the public interest in accordance with section 3 of the Natural Gas Act and NEPA.

Subsection (a) defines key terms used in section 602. Paragraphs (1) and (2) define the existing LNG export and greenhouse gas reviews, respectively. Paragraph (6) defines the term “supplemental review” to mean the supplemental greenhouse gas review defined in paragraph (4) and the supplemental macroeconomic review defined in paragraph (5).

Paragraphs (1) and (2) of subsection (b) require that any supplemental review initiated after January 26, 2024, go through public notice and comment and comply with Information Quality Act peer review requirements, respectively.

Subsection (b)(3) requires the Secretary to rely on the existing studies unless and until a supplemental review is finalized and implemented by the Secretary.

TITLE VII—HYDROPOWER

Section 701. Hydropower license extensions

Section 701(a) defines a “covered project” for purposes of section 701 to mean a hydropower project that was licensed by the Commission prior to March 13, 2020.

Subsection (b) authorizes the Commission, upon the request of a licensee of a covered project after reasonable notice and for good cause shown, to extend the commence-construction deadline for a covered project by four additional years.

Subsection (c) specifies that the extension under subsection (b) commences at the expiration of the final extension currently allowed under section 13 of the Federal Power Act and ends four years thereafter.

Subsection (d) allows FERC to reinstate a license of a covered project if the license for that project expired after December 31, 2023.

Section 702. Identifying and removing market barriers to hydropower

Section 702(a) defines key terms used in section 702.

Subsection (b) directs the Commission to conduct a study describing market barriers to the development and proper compensation of different types of hydropower technologies, and making recommendations to reduce any such barriers, within 270 days after enactment of S. 4753.

Section 703. Regulations to align timetables

Section 703(a) requires the Commission to issue regulations that seek to ensure all original licensing and relicensing decisions for hydropower facilities are made not later than 180 days of publication of the final environmental document under NEPA for the project.

Subsection (b)(1) directs the Commission to issue a report describing any regulation outside of the Commission’s jurisdiction, and any relevant statutory requirements, that would prevent meeting the timetable established under subsection (a).

Subsection (b)(2) requires the Commission to report annually on applications that fail to meet the timetable established under (a).

Subsection (c) clarifies that nothing in this section modifies the Commission's obligations under NEPA, the Federal Power Act, or any other federal law.

TITLE VIII—HIRING AND RETENTION

Sec. 801. Federal Energy Regulatory Commission staffing

Section 801(a) repeals the requirement in section 401(k)(6) of the Department of Energy Organization Act for the Commission to consult with the Office of Personnel Management before using flexible hiring and compensation authorities available under existing law.

Subsection (b) makes the Federal Energy Regulatory Commission's economic and legal personnel eligible for the same flexible hiring and compensation authorities that are currently available for personnel responsible for conducting work of a scientific, technological, engineering, or mathematical nature.

Section 802. Compensation flexibility to address retention and hiring issues at the Bonneville Power Administration

Section 802 amends section 10 of the Bonneville Project Act of 1937 governing the employment and compensation of employees of the Bonneville Power Administration (BPA).

As amended, the new section 10(a) directs the BPA Administrator to conduct an annual review of BPA compensation and develop and implement a compensation plan for BPA employees, subject to approval by the Secretary of Energy, based on an annual survey of the prevailing compensation for similar positions in the public sectors of the electric industry.

The new section 10(b) authorizes the Administrator to appoint BPA officers and employees, subject to merit system principles, and to employee physicians and experts without regard to the civil service laws.

Section 803. Northwest Power and Conservation Council

Section 803 amends section 4(c)(10)(B) of the Pacific Northwest Electric Power Planning and Conservation Act to allow the BPA Administrator to adjust for inflation the maximum amount of funds the Administrator may provide to the Northwest Power and Conservation Council for compensation and other expenses of the Council.

Sec. 804. Federal Energy Regulatory Commission personnel safety

Section 804 allows the Federal Energy Regulatory Commission to authorize its employees to perform law enforcement duties as needed to ensure the safety of the Chairman and Commissioners in the performance of their official duties.

COST AND BUDGETARY CONSIDERATIONS

The Committee has requested, but has not yet received, the Congressional Budget Office's estimate of the cost of S. 4753 as ordered reported. When the Congressional Budget Office completes its cost estimate, it will be posted on the internet at www.cbo.gov.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 3033. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy. Little, if any, additional paperwork would result from the enactment of S. 4753, as ordered reported.

CONGRESSIONALLY DIRECTED SPENDING

S. 4753, as ordered reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 3044, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TABLE OF EXISTING LAWS PROPOSED TO BE CHANGED

1. Mining Law of 1872
2. Mineral Leasing Act
3. Federal Power Act
4. Bonneville Project Act of 1937
5. Natural Gas Act
6. Indian Right of Way Act
7. Outer Continental Shelf Lands Act
8. Geothermal Steam Act of 1970
9. Department of Energy Organization Act
10. Pacific Northwest Electric Power Planning and Conservation Act
11. Omnibus Budget Reconciliation Act of 1993
12. Energy Policy Act of 2005
13. Energy Act of 2020
14. Infrastructure Investment and Jobs Act
15. Inflation Reduction Act

MINING LAW OF 1872

Revised Statutes, § 2337

SEC. 2337. (a) Where non-mineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such non-adjacent surface-ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location hereafter made of such non-adjacent land shall exceed five acres, and payment for the same must be made at the same rate as fixed by this chapter for the superficies of the lode. The owner of a quartz-mill or reduction-

works, not owning a mine in connection therewith, may also receive a patent for his mill-site, as provided in this section.

(b) Where nonmineral land is needed by the proprietor of a placer claim for mining, milling, processing, beneficiation, or other operations in connection with such claim, and is used or occupied by the proprietor for such purposes, such land may be included in an application for a patent for such claim, and may be patented therewith subject to the same requirements as to survey and notice as are applicable to placers. No location made of such nonmineral land shall exceed five acres and payment for the same shall be made at the rate applicable to placer claims which do not include a vein or lode.

(c) *ADDITIONAL MILL SITES.*—

(1) *DEFINITIONS.*—*In this subsection:*

(A) *MILL SITE.*—*The term, “mill site” means a location of public land that is reasonably necessary for waste rock or tailings disposal or other operations reasonably incident to mineral development on, or production from land included in a plan of operations.*

(B) *OPERATIONS; OPERATOR.*—*The terms “operations” and “operator” have the meanings given those terms in section 3809.5 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this subsection).*

(C) *PLAN OF OPERATIONS.*—*The term “plan of operations” means a plan of operations that an operator must submit and the Secretary of the Interior or the Secretary of Agriculture, as applicable, must approve before an operator may begin operations, in accordance with, as applicable—*

(i) subpart 3809 of title 43, Code of Federal Regulations (or successor regulations establishing application and approval requirements); and

(ii) part 228 of title 36, Code of Federal Regulations (or successor regulations establishing application and approval requirements).

(D) *PUBLIC LAND.*—*The term “public land” means land owned by the United States that is open to location under sections 2319 through 2344 of the Revised Statutes (30 U.S.C. 22 et seq.), including—*

(i) land that is mineral-in-character (as defined in section 3830.5 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this subsection));

(ii) nonmineral land (as defined in section 3830.5 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this subsection)); and

(iii) land where the mineral character has not been determined.

(2) *IN GENERAL.*—*Notwithstanding subsections (a) and (b), where public land is needed by the proprietor of a lode or placer claim for operations in connection with any lode or placer claim within the proposed plan of operations, the proprietor may—*

(A) locate and include within the plan of operations as many mill site claims under this subsection as are reasonably necessary for its operations; and

(B) use or occupy public land in accordance with an approved plan of operations.

(3) *MILL SITES CONVEY NO MINERAL RIGHTS.*—A mill site under this subsection does not convey mineral rights to the locator.

(4) *SIZE OF MILL SITES.*—A location of a single mill site under this subsection shall not exceed 5 acres.

(5) *MILL SITE AND LODE OR PLACER CLAIMS ON SAME TRACTS OF PUBLIC LAND.*—A mill site may be located under this subsection on a tract of public land on which the claimant or operator maintains a previously located lode or placer claim.

(6) *EFFECT ON MINING CLAIMS.*—The location of a mill site under this subsection shall not affect the validity of any lode or placer claim, or any rights associated with such a claim.

(7) *PATENTING.*—A mill site under this section shall not be eligible for patenting.

(8) *SAVINGS PROVISIONS.*—Nothing in this subsection—

(A) diminishes any right (including a right of entry, use, or occupancy) of a claimant;

(B) creates or increases any right (including a right of exploration, entry, use, or occupancy) of a claimant on land that is not open to location under the general mining laws;

(C) modifies any provision of law or any prior administrative action withdrawing land from location or entry;

(D) limits the right of the Federal Government to regulate mining and mining-related activities (including requiring claim validity examinations to establish the discovery of a valuable mineral deposit) in areas withdrawn from mining, including under—

(i) the general mining laws;

(ii) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.);

(iii) the Wilderness Act (16 U.S.C. 1131 et seq.);

(iv) sections 100731 through 100737 of title 54, United States Code;

(v) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(vi) division A of subtitle III of title 54, United States Code (commonly referred to as the “National Historic Preservation Act”); or

(vii) section 4 of the Act of July 23, 1955 (commonly known as the “Surface Resources Act of 1955”) (69 Stat. 368, chapter 375; 30 U.S.C. 612);

(E) restores any right (including a right of entry, use, or occupancy, or right to conduct operations) of a claimant that—

(i) existed prior to the date on which the land was closed to, or withdrawn from, location under the general mining laws; and

(ii) that has been extinguished by such closure or withdrawal; or

(F) modifies section 404 of division E of the Consolidated Appropriations Act, 2024 (Public Law 118–42).

MINERAL LEASING ACT

Act of February 25, 1920, Chapter 85, as Amended

AN ACT To promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain.

* * * * *

COAL

SEC. 2. (a)(1) The Secretary of the Interior is authorized to divide any lands subject to this Act which have been classified for coal leasing into leasing tracts of such size as [he finds appropriate] *the Secretary of the Interior finds appropriate* and in the public interest and which will permit the mining of all coal which can be economically extracted in such tract and thereafter [he shall, in his discretion, upon the request of any qualified applicant or on his own motion from time to time] *the Secretary shall, at the discretion of the Secretary but subject to paragraph (6), on the request of any qualified applicant or on a motion by the Secretary*, offer such lands for leasing and shall award leases thereon by competitive bidding: Provided, That notwithstanding the competitive bidding requirement of this section, the Secretary may, subject to such conditions which [he deems appropriate] *the Secretary of the Interior determines to be appropriate*, negotiate the sale at fair market value of coal the removal of which is necessary and incidental to the exercise of a right-of-way permit issued pursuant to title V of the Federal Land Policy and Management Act of 1976. No less than 50 per centum of the total acreage offered for lease by the Secretary in any one year shall be leased under a system of deferred bonus payment. Upon default or cancellation of any coal lease for which bonus payments are due, any unpaid remainder of the bid shall be immediately payable to the United States. A reasonable number of leasing tracts shall be reserved and offered for lease in accordance with this section to public bodies, including Federal agencies, rural electric cooperatives, or nonprofit corporations controlled by any of such entities: Provided, That the coal so offered for lease shall be for use by such entity or entities in implementing a definite plan to produce energy for their own use or for sale to their members or customers (except for short-term sales to others). No bid shall be accepted which is less than the fair market value, as determined by the Secretary, of the coal subject to the lease. [Prior to his determination] *Prior to a determination by the Secretary of the Interior* of the fair market value of the coal subject to the lease, the Secretary shall give opportunity for and consideration to public comments on the fair market value. Nothing in this section shall be construed to require the Secretary [to make public his judgment] *to make public the judgment of the Secretary of the Interior* as to the fair market value of the coal to be leased, or the [comments he receives] *comments received by the Secretary of the Interior* thereon prior to the issuance of the lease. [He is hereby authorized] *The Secretary of the Interior is authorized*, in awarding leases for coal lands improved and occupied or claimed in good

faith, prior to February 25, 1920, to consider and recognize equitable rights of such occupants or claimants.

* * * * *

(5) Notwithstanding any other provision of law, if the lessee under a coal lease fails to pay any installment of a deferred cash bonus bid within 10 days after the Secretary provides written notice that payment of the installment is past due—

(A) the lease shall automatically terminate; and

(B) any bonus payments already made to the United States with respect to the lease shall not be returned to the lessee or credited in any future lease sale.

(6) *DEADLINES.*—

(A) *APPLICANT MOTION.*—*Not later than 90 days after the date on which a request of a qualified applicant is received for a lease sale under paragraph (1), or for a lease modification under section 3, the Secretary of the Interior shall commence all necessary consultations and reviews required under Federal law in accordance with that paragraph or section, as applicable.*

(B) *DECISION.*—*Not later than 90 days after the completion of an environmental impact statement or environmental assessment consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for a lease sale under paragraph (1), or for a lease modification under section 3, the Secretary of the Interior shall issue a record of decision or a finding of no significant impact for the lease sale or lease modification.*

(C) *FAIR MARKET VALUE.*—*Not later than 30 days after the date on which the Secretary of the Interior issues a record of decision or a finding of no significant impact under subparagraph (B) for a lease sale under paragraph (1), or for a lease modification under section 3, the Secretary shall determine the fair market value of the coal subject to the lease.*

(b) The Secretary may, under such regulations as he may prescribe, issue to any person an exploration license.

* * * * *

(3) The licensee shall furnish to the Secretary copies of all data (including, but not limited to, geological, **geophysical**, *geophysical*, and core drilling analyses) obtained during such exploration. The Secretary shall maintain the confidentiality of all data so obtained until after the areas involved have been leased or until such time as he determines that making the data available to the public would not damage the competitive position of the licensee, whichever comes first.

* * * * *

SEC. 3. (a)(1) Except as provided in paragraph (3), on a finding by the Secretary under paragraph (2), any person, association, or corporation holding a lease of coal lands or coal deposits under the provisions of this Act may with the approval of the Secretary of the Interior, secure modifications of the original coal lease by including additional coal lands or coal deposits contiguous or cornering to those embraced in the lease.

* * * * *

(b) **【The Secretary shall prescribe】** *Subject to section 2(a)(6), the Secretary shall prescribe* terms and conditions which shall be consistent with this Act and applicable to all of the acreage in such modified lease except that nothing in this section shall require the Secretary to apply the production or mining plan requirements of section 2(d)(2) and 7(c) of this Act (30 U.S.C. 201(d)(2) and 207(c)).

* * * * *

SEC. 17. (a) All lands subject to disposition under this Act which are known or believed to contain oil or gas deposits may be leased by the Secretary.

(b)(1)(A) All lands to be leased which are not subject to leasing under paragraphs (2) and (3) of this subsection shall be leased as provided in this paragraph to the highest responsible qualified bidder by competitive bidding under general regulations in units of not more than 2,560 acres, except in Alaska, where units shall be not more than 5,760 acres. Such units shall be as nearly compact as possible. Lease sales shall be conducted by oral bidding, except as provided in subparagraph (C). Lease sales shall be held for each State where eligible lands are available at least quarterly and more frequently if the Secretary of the Interior determines such sales are necessary. A lease shall be conditioned upon the payment of a royalty at a rate of not less than 12.5 percent in amount or value of the production removed or sold from the lease. The Secretary shall accept the highest bid from a responsible qualified bidder which is equal to or greater than the national minimum acceptable bid, without evaluation of the value of the lands proposed for lease. Leases shall be issued within 60 days following payment by the successful bidder of the remainder of the bonus bid, if any, and the annual rental for the first lease year. All bids for less than the national minimum acceptable bid shall be rejected. Lands for which no bids are received or for which the highest bid is less than the national minimum acceptable bid shall be offered promptly within 30 days for leasing under subsection (c) of this section and shall remain available for leasing for a period of 2 years after the competitive lease sale.

* * * * *

(3) *SUBDIVISION.—*

(A) *IN GENERAL.—A parcel of land included in an expression of interest that the Secretary of the Interior offers for lease shall be leased as nominated and not subdivided into multiple parcels unless the Secretary of the Interior determines that a subpart of the submitted parcel is not open to oil or gas leasing under the approved resource management plan.*

(B) *REQUIRED REVIEWS.—Nothing in this paragraph affects the obligations of the Secretary of the Interior to complete requirements and reviews established by other provisions of law before leasing a parcel of land.*

(4) *RESOURCE MANAGEMENT PLANS.—*

(A) *LEASE TERMS AND CONDITIONS.—A lease issued under this section shall be subject to the terms and conditions of the approved resource management plan.*

(B) *EFFECT OF LEASING DECISION.—Notwithstanding section 1506.1 of title 40, Code of Federal Regulations (as in*

effect on the date of enactment of this paragraph), the Secretary may conduct a lease sale under an approved resource management plan while amendments to the approved plan are under consideration.

* * * * *

[(g) The Secretary of the Interior, or] (g)(1) *The Secretary of the Interior, or for National Forest lands, the Secretary of Agriculture, shall regulate all surface-disturbing activities conducted pursuant to any lease issued under this Act, and shall determine reclamation and other actions as required in the interest of conservation of surface resources. No permit to drill on an oil and gas lease issued under this Act may be granted without the analysis and approval by the Secretary concerned of a plan of operations covering proposed surface-disturbing activities within the lease area. The Secretary concerned shall, by rule or regulation, establish such standards as may be necessary to ensure that an adequate bond, surety, or other financial arrangement will be established prior to the commencement of surface-disturbing activities on any lease, to ensure the complete and timely reclamation of the lease tract, and the restoration of any lands or surface waters adversely affected by lease operations after the abandonment or cessation of oil and gas operations on the lease. The Secretary shall not issue a lease or leases or approve the assignment of any lease or leases under the terms of this section to any person, association, corporation, or any subsidiary, affiliate, or person controlled by or under common control with such person, association, or corporation, during any period in which, as determined by the Secretary of the Interior or Secretary of Agriculture, such entity has failed or refused to comply in any material respect with the reclamation requirements and other standards established under this section for any prior lease to which such requirements and standards applied. Prior to making such determination with respect to any such entity the concerned Secretary shall provide such entity with adequate notification and an opportunity to comply with such reclamation requirements and other standards and shall consider whether any administrative or judicial appeal is pending. Once the entity has complied with the reclamation requirement or other standard concerned an oil or gas lease may be issued to such entity under this Act.*

(2)(A) In the case of an oil and gas lease under this Act on land described in subparagraph (B) located within an oil and gas drilling or spacing unit, nothing in this Act authorizes the Secretary of the Interior—

- (i) to require a bond to protect non-Federal land;*
- (ii) to enter non-Federal land without the consent of the applicable landowner;*
- (iii) to impose mitigation requirements; or (iv) to require approval for surface reclamation.*

(B) Land referred to in subparagraph (A) is land where—

- (i) the Federal Government—*
 - (I) owns less than 50 percent of the minerals within the oil and gas drilling or spacing unit; and*
 - (II) does not own or lease the surface estate within the area directly impacted by the action;*
- (ii) the well is located on non-Federal land overlying a non-Federal mineral estate, but some portion of the wellbore enters*

and produces from the Federal mineral estate subject to the lease; or

(iii) the well is located on non-Federal land overlying a non-Federal mineral estate, but some portion of the wellbore traverses but does not produce from the Federal mineral estate subject to the lease.

* * * * *

(p) DEADLINES FOR CONSIDERATION OF APPLICATIONS FOR PERMITS.—

(1) IN GENERAL.—Not later than 10 days after the date on which the Secretary receives an application for any permit to drill, the Secretary shall—

(A) notify the applicant that the application is complete; or

(B) notify the applicant that information is missing and specify any information that is required to be submitted for the application to be complete.

(2) ISSUANCE OR DEFERRAL.—Not later than 30 days after the applicant for a permit has submitted a complete application, the Secretary shall—

(A) issue the permit, if the requirements under the National Environmental Policy Act of 1969 and other applicable law have been completed within such timeframe; or

(B) defer the decision on the permit and provide to the applicant a notice—

(i) that specifies any steps that the applicant could take for the permit to be issued; and

(ii) a list of actions that need to be taken by the agency to complete compliance with applicable law together with timelines and deadlines for completing such actions.

(3) REQUIREMENTS FOR DEFERRED APPLICATIONS.—

(A) IN GENERAL.—If the Secretary provides notice under paragraph (2)(B), the applicant shall have a period of 2 years from the date of receipt of the notice in which to complete all requirements specified by the Secretary, including providing information needed for compliance with the National Environmental Policy Act of 1969.

(B) ISSUANCE OF DECISION ON PERMIT.—If the applicant completes the requirements within the period specified in subparagraph (A), the Secretary shall issue a decision on the permit not later than 10 days after the date of completion of the requirements described in subparagraph (A), unless compliance with the National Environmental Policy Act of 1969 and other applicable law has not been completed within such timeframe.

(C) DENIAL OF PERMIT.—If the applicant does not complete the requirements within the period specified in subparagraph (A) or if the applicant does not comply with applicable law, the Secretary shall deny the permit.

(4) TERM.—

(A) IN GENERAL.—A permit to drill approved under this subsection shall be valid for a single non-renewable 4-year period beginning on the date of the approval.

(B) *RETROACTIVITY.*—*In addition to all approved applications for permits to drill submitted on or after the date of enactment of this paragraph, subparagraph (A) shall apply to—*

(i) all permits approved during the 2-year period preceding the date of enactment of this paragraph; and

(ii) all pending applications for permit to drill submitted prior to the date of enactment of this paragraph.

(q) **FEE FOR EXPRESSION OF INTEREST.**—

(1) **IN GENERAL.**—The **【Secretary】** *Secretary of the Interior* shall assess a **【nonrefundable】** fee against any person that, in accordance with procedures established by the **【Secretary】** *Secretary of the Interior* to carry out this subsection, submits an expression of interest in leasing land available for disposition under this section for exploration for, and development of, oil or gas.

(2) **AMOUNT OF FEE.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the fee assessed under paragraph (1) shall be \$5 per acre of the area covered by the applicable expression of interest.

(B) **ADJUSTMENT OF FEE.**—The **【Secretary】** *Secretary of the Interior* shall, by regulation, not less frequently than every 4 years, adjust the amount of the fee under subparagraph (A) to reflect the change in inflation.

(3) **REFUND FOR NONWINNING BID.**—*If a person other than the person who submitted the expression of interest is the highest responsible qualified bidder for a parcel of land covered by the applicable expression of interest in a lease sale conducted under this section—*

(A) as a condition of the issuance of the lease, the person who is the highest responsible qualified bidder shall pay to the Secretary of the Interior an amount equal to the applicable fee paid by the person who submitted the expression of interest; and

(B) not later than 60 days after the date of the lease sale, the Secretary of the Interior shall refund to the person who submitted the expression of interest an amount equal to the amount of the initial fee paid.

(4) **REFUNDABILITY.**—*Except as provided in paragraph (3)(B), the fee assessed under paragraph (1) shall be nonrefundable.*

* * * * *

FEDERAL POWER ACT

Act of June 10, 1920, Chapter 285, as Amended

* * * * *

PART II—REGULATION OF ELECTRIC UTILITY COMPANIES ENGAGED IN INTERSTATE COM- MERCE

DECLARATION OF POLICY; APPLICATION OF PART; DEFINITIONS

SECTION. 201. (a) It is hereby declared that the business of transmitting and selling electric energy for ultimate distribution to the public is affected with a public interest, and that Federal regulation of matters relating to generation to the extent provided in this Part and the Part next following and of that part of such business which consists of the transmission of electric energy in interstate commerce and the sale of such energy at wholesale in interstate commerce is necessary in the public interest, such Federal regulation, however, to extend only to those matters which are not subject to regulation by the States.

(b)(1) The provisions of this Part shall apply to the transmission of electric energy in interstate commerce and to the sale of electric energy at wholesale in interstate commerce, but except as provided in paragraph (2) shall not apply to any other sale of electric energy or deprive a State or State commission of its lawful authority now exercised over the exportation of hydroelectric energy which is transmitted across a State line. The Commission shall have jurisdiction over all facilities for such transmission or sale of electric energy, but shall not have jurisdiction, except as specifically provided in this Part and the Part next following, over facilities used for the generation of electric energy or over facilities used in local distribution or only for the transmission of electric energy in intrastate commerce, or over facilities for the transmission of electric energy consumed wholly by the transmitter.

(2) Notwithstanding section 201(f), the provisions of sections 203(a)(2), 206(e), 210, 211, 211A, 212, 215, 215A, 216, 217, 218, 219, 220, 221, **[and 222]** 222, *and* 225 shall apply to the entities described in such provisions, and such entities shall be subject to the jurisdiction of the Commission for purposes of carrying out such provisions and for purposes of applying the enforcement authorities of this Act with respect to such provisions. Compliance with any order of the Commission under the provisions of section 203(a)(2), 206(e), 210, 211, 211A, 212, 215, 215A, 216, 217, 218, 219, 220, 221, **[or 222]** 222, *or* 225, shall not make an electric utility or other entity subject to the jurisdiction of the Commission for any purposes other than the purposes specified in the preceding sentence.

* * * * *

(e) The term “public utility” when used in this Part or in the Part next following means any person who owns or operates facilities subject to the jurisdiction of the Commission under this Part (other than facilities subject to such jurisdiction solely by reason of section 206(e), **[206(f),]** 210, 211, 211A, 212, 215, 215A, 216, 217, 218, 219, 220, 221, **[or 222]** 222, *or* 225).

* * * * *

SEC. 215. ELECTRIC RELIABILITY.

(a) DEFINITIONS.—For purposes of this section:

(1) The term “bulk-power system” means—

(A) facilities and control systems necessary for operating an interconnected electric energy transmission network (or any portion thereof); and

(B) electric energy from generation facilities needed to maintain transmission system reliability.

The term does not include facilities used in the local distribution of electric energy.

(2) The terms “Electric Reliability Organization” and “ERO” mean the organization certified by the Commission under subsection (c) the purpose of which is to establish and enforce reliability standards for the bulk-power system, subject to Commission review.

(3) The term “reliability standard” means a requirement, approved by the Commission under this section, to provide for reliable operation of the bulk-power system. The term includes requirements for the operation of existing bulk-power system facilities, including cybersecurity protection, and the design of planned additions or modifications to such facilities to the extent necessary to provide for reliable operation of the bulk-power system, but the term does not include any requirement to enlarge such facilities or to construct new transmission capacity or generation capacity.

(4) The term “reliable operation” means operating the elements of the bulk-power system within equipment and electric system thermal, voltage, and stability limits so that instability, uncontrolled separation, or cascading failures of such system will not occur as a result of a sudden disturbance, including a cybersecurity incident, or unanticipated failure of system elements.

(5) The term “Interconnection” means a geographic area in which the operation of bulk-power system components is synchronized such that the failure of one or more of such components may adversely affect the ability of the operators of other components within the system to maintain reliable operation of the facilities within their control.

(6) The term “transmission organization” means a Regional Transmission Organization, Independent System Operator, independent transmission provider, or other transmission organization finally approved by the Commission for the operation of transmission facilities.

(7) The term “regional entity” means an entity having enforcement authority pursuant to subsection (e)(4).

(8) The term “cybersecurity incident” means a malicious act or suspicious event that disrupts, or was an attempt to disrupt, the operation of those programmable electronic devices and communication networks including hardware, software and data that are essential to the reliable operation of the bulk power system.

* * * * *

[(g) RELIABILITY REPORTS.—The ERO shall conduct periodic assessments of the reliability and adequacy of the bulk-power system in North America.]

(g) *RELIABILITY REPORTS.*—

(1) *PERIODIC ASSESSMENTS.*—*The ERO shall conduct periodic assessments of the reliability and adequacy of the bulk-power system in North America.*

(2) *RELIABILITY ASSESSMENTS FOR REGULATIONS.*—(A) *Whenever the Commission determines, on its own motion or on request from another Federal agency, an affected transmission organization, or any State commission, that a rule, regulation, or standard proposed by a Federal agency other than the Commission is likely to result in a violation of a tariff requirement or process for resource adequacy on file with the Commission or a mandatory standard for reliability approved by the Commission, the Commission shall require, by order, the ERO to assess and report on the effects of the proposed rule, regulation, or standard on the reliable operation of the bulk-power system.*

(B) *An ERO reliability assessment ordered under subparagraph (A) shall—*

(i) identify any reasonably foreseeable significant adverse effects on the reliable operation of the bulk-power system that the ERO anticipates will result from the proposed rule, regulation, or standard;

(ii) account for mitigations that will be available under existing rules, regulations, or tariffs governing facilities of the bulk-power system under this Act that will reduce or prevent significant adverse effects on the reliable operation of the bulk-power system from the proposed rule, regulation, or standard; and

(iii) take into account the technical views of affected transmission organizations regarding effects on the reliable operation of the bulk-power system from the proposed rule, regulation, or standard.

(C) *The ERO shall—*

(i) submit the report required under subparagraph (A) to the public docket of the Federal agency proposing the rule, regulation, or standard, and, if practicable, make such submission within the time period established by such Federal agency for submission of public comments on the proposed rule, regulation, or standard;

(ii) submit such report to the Commission; and

(iii) publish such report in a publicly available format.

(D) *This paragraph shall apply to proposed rules, regulations, or standards pending on, or proposed on or after, the date of enactment of this paragraph.*

* * * * *

SEC. 216. SITING OF INTERSTATE ELECTRIC TRANSMISSION FACILITIES.

[(a) **DESIGNATION OF NATIONAL INTEREST ELECTRIC TRANSMISSION CORRIDORS.**—(1) Not later than 1 year after the date of enactment of this section and every 3 years thereafter, the Secretary of Energy (referred to in this section as the “Secretary”), in consultation with affected States and Indian Tribes, shall conduct a study of electric transmission capacity constraints and congestion.

[(2) Not less frequently than once every 3 years, the Secretary, after considering alternatives and recommendations from inter-

ested parties (including an opportunity for comment from affected States and Indian Tribes), shall issue a report, based on the study under paragraph (1) or other information relating to electric transmission capacity constraints and congestion, which may designate as a national interest electric transmission corridor any geographic area that—

[(i) is experiencing electric energy transmission capacity constraints or congestion that adversely affects consumers; or

[(ii) is expected to experience such energy transmission capacity constraints or congestion.

[(3) Not less frequently than once every 3 years, the Secretary, in conducting the study under paragraph (1) and issuing the report under paragraph (2), shall consult with any appropriate regional entity referred to in section 215.

[(4) In determining whether to designate a national interest electric transmission corridor under paragraph (2), the Secretary may consider whether—

[(A) the economic vitality and development of the corridor, or the end markets served by the corridor, may be constrained by lack of adequate or reasonably priced electricity;

[(B)(i) economic growth in the corridor, or the end markets served by the corridor, may be jeopardized by reliance on limited sources of energy; and

[(ii) a diversification of supply is warranted;

[(C) the energy independence or energy security of the United States would be served by the designation;

[(D) the designation would be in the interest of national energy policy;

[(E) the designation would enhance national defense and homeland security;

[(F) the designation would enhance the ability of facilities that generate or transmit firm or intermittent energy to connect to the electric grid;

[(G) the designation—

[(i) maximizes existing rights-of-way; and

[(ii) avoids and minimizes, to the maximum extent practicable, and offsets to the extent appropriate and practicable, sensitive environmental areas and cultural heritage sites; and

[(H) the designation would result in a reduction in the cost to purchase electric energy for consumers.]

(a) *DEFINITIONS.—In this section:*

(1) *COMMISSION.—The term “Commission” means the Federal Energy Regulatory Commission.*

(2) *IMPROVED RELIABILITY.—The term “improved reliability” has the meaning given the term in section 225(a).*

(3) *LANDOWNER INPUT.—The term “landowner input: means input received—*

(A) *by the Commission;*

(B) *from affected landowners, such as farmers and ranchers, in the path of the proposed construction or modification of an electric transmission facility; and*

(C) *pursuant to notification provided to, and consultation with, those affected landowners, farmers, and ranchers by the Commission.*

(4) *SECRETARY.*—*The term “Secretary” means the Secretary of Energy.*

(b) CONSTRUCTION PERMIT.—[Except as provided in subsection (i), the Commission may, after notice and an opportunity for hearing, issue one or more permits for the construction or modification of electric transmission facilities in a national interest electric transmission corridor designated by the Secretary under subsection (a) if the Commission finds that] *Except as provided in subsections (d)(1) and (i), the Commission may, after notice and an opportunity for hearing, including a public comment period of at least 60 days, issue one or more permits for the construction or modification of electric transmission facilities necessary in the national interest if the Commission finds that—*

(1)(A) a State in which the transmission facilities are to be constructed or modified does not have authority to—

(i) approve the siting *or modification* of the facilities; or

(ii) consider the interstate benefits or interregional benefits expected to be achieved by the proposed construction or modification of transmission facilities in the State;

(B) the applicant for a permit is a transmitting utility under this Act but does not qualify to apply for a permit or siting approval for the proposed project in a State because the applicant does not serve end-use customers in the State; or

(C) a State commission or other entity that has authority to approve the siting or modification of the facilities—

(i) has not made a determination on an application seeking approval pursuant to applicable law by the date that is 1 year after *the date on which the application was filed with the State commission or other entity*; [the later of—

[(I) the date on which the application was filed; and

[(II) the date on which the relevant national interest electric transmission corridor was designated by the Secretary under subsection (a);]

(ii) has conditioned its approval in such a manner that the proposed construction or modification will not significantly reduce transmission capacity constraints or congestion in interstate commerce or is not economically feasible; or

(iii) has denied an application seeking approval pursuant to applicable law;

[(2) the facilities to be authorized by the permit will be used for the transmission of electric energy in interstate commerce;

[(3) the proposed construction or modification is consistent with the public interest;

[(4) the proposed construction or modification will significantly reduce transmission congestion in interstate commerce and protects or benefits consumers;

[(5) the proposed construction or modification is consistent with sound national energy policy and will enhance energy independence; and

[(6) the proposed modification will maximize, to the extent reasonable and economical, the transmission capabilities of existing towers or structures.]

(2) *the proposed facilities will be used for the transmission of electric energy in interstate (including transmission from the outer Continental Shelf to a State) or foreign commerce;*

(3) *the proposed construction or modification is consistent with the public interest;*

(4) *the proposed construction or modification will significantly reduce transmission congestion in interstate commerce, protect or benefit consumers, and provide improved reliability;*

(5) *the proposed construction or modification is consistent with sound national energy policy and will enhance energy independence;*

(6) *the electric transmission facilities are capable of transmitting electric energy at a voltage of not less than 100 kilovolts or, in the case of facilities that include advanced transmission conductors (including superconductors), as defined by the Commission, voltages determined to be appropriate by the Commission; and*

(7) *the proposed modification (including reconductoring) will maximize, to the extent reasonable and economical, the transmission capabilities of existing towers, structures, or rights-of-way.*

(c) PERMIT APPLICATIONS.—(1) Permit applications under subsection (b) shall be made in writing to the Commission.

(2) The Commission shall issue rules specifying—

(A) the form of the application;

(B) the information to be contained in the application; and

(C) the manner of service of notice of the permit application on interested persons.

[(d) COMMENTS.—In any proceeding before the Commission under subsection (b), the Commission shall afford each State in which a transmission facility covered by the permit is or will be located, each affected Federal agency and Indian tribe, private property owners, and other interested persons, a reasonable opportunity to present their views and recommendations with respect to the need for and impact of a facility covered by the permit.]

(d) STATE SITING AND CONSULTATION.—

(1) PRESERVATION OF STATE SITING AUTHORITY.—*The Commission shall have no authority to issue a permit under subsection (b) for the construction or modification of an electric transmission facility within a State except as provided in paragraph (1) of that subsection.*

(2) CONSULTATION.—*In any proceeding before the Commission under subsection (b), the Commission shall afford each State in which a transmission facility covered by the permit is or will be located, each affected Federal agency and Indian Tribe, private property owners, and other interested persons, a reasonable opportunity to present their views and recommendations with respect to the need for and impact of a facility covered by the permit.*

(3) LANDOWNER INPUT.—*In authorizing the construction or modification of an electric transmission facility under subsection (b), the Commission shall take into account landowner input.*

(e) RIGHTS-OF-WAY.—(1) In the case of a permit under subsection (b) for electric transmission facilities to be located on property

other than property owned by the United States or a State, if the permit holder cannot acquire by contract, or is unable to agree with the owner of the property to the compensation to be paid for, the necessary right-of-way to construct or modify, and operate and maintain, the transmission facilities and, in the determination of the Commission, the permit holder has made good faith efforts to engage with landowners and other stakeholders early in the applicable permitting process, the permit holder may acquire the right-of-way by the exercise of the right of eminent domain in the district court of the United States for the district in which the property concerned is located, or in the appropriate court of the State in which the property is located.

(2) Any right-of-way acquired under paragraph (1) shall be used exclusively for the construction or modification of electric transmission facilities within a reasonable period of time after the acquisition.

(3) The practice and procedure in any action or proceeding under this subsection in the district court of the United States [shall conform as nearly as practicable to the practice and procedure in a similar action or proceeding in the courts of the State in which the property is located.] *shall be in accordance with rule 71.1 of the Federal Rules of Civil Procedure.*

(4) Nothing in this subsection shall be construed to authorize the use of eminent domain to acquire a right-of-way for any purpose other than the construction, modification, operation, or maintenance of electric transmission facilities and related facilities. The right-of-way cannot be used for any other purpose, and the right-of-way shall terminate upon the termination of the use for which the right-of-way was acquired.

[(f) COMPENSATION.—(1) Any right-of-way acquired pursuant to subsection (e) shall be considered a taking of private property for which just compensation is due.

[(2) Just compensation shall be an amount equal to the fair market value (including applicable severance damages) of the property taken on the date of the exercise of eminent domain authority. (2) Just compensation shall be an amount equal to the fair market value (including applicable severance damages) of the property taken on the date of the exercise of eminent domain authority.]

(f) *COST ALLOCATION.—*

(1) TRANSMISSION TARIFFS.—For the purposes of this section, any transmitting utility that owns, controls, or operates electric transmission facilities that the Commission finds to be consistent with the findings under paragraphs (2) through (6) and, if applicable, (7) of subsection (b) shall file a tariff or tariff revision with the Commission pursuant to section 205 and the regulations of the Commission allocating the costs of the new or modified transmission facilities.

(2) TRANSMISSION BENEFITS.—The Commission shall require that tariffs or tariff revisions filed under this subsection are just and reasonable and allocate the costs of providing service to customers that benefit, in accordance with the cost-causation principle, including through—

- (A) improved reliability;*
- (B) reduced congestion;*
- (C) reduced power losses;*

- (D) greater carrying capacity;
- (E) reduced operating reserve requirements; and
- (F) improved access to lower cost generation that achieves reductions in the cost of delivered power.

(3) **RATEPAYER PROTECTION.**—*Customers that receive no benefit, or benefits that are trivial in relation to the costs sought to be allocated, from electric transmission facilities constructed or modified under this section shall not be involuntarily allocated any of the costs of those transmission facilities, provided, however, that nothing in this section shall prevent a transmission utility from recovering such costs through voluntary agreements with its customers.*

(g) **STATE LAW.**—Nothing in this section precludes any person from constructing or modifying any transmission facility in accordance with State law.

(h) **COORDINATION OF FEDERAL AUTHORIZATIONS FOR TRANSMISSION FACILITIES.**—(1) In this subsection:

(A) The term “Federal authorization” means any authorization required under Federal law in order to site a transmission facility.

(B) The term “Federal authorization” includes such permits, special use authorizations, certifications, opinions, or other approvals as may be required under Federal law in order to site a transmission facility.

(2) The Department of Energy shall act as the lead agency for purposes of coordinating all applicable Federal authorizations and related environmental reviews of the facility~~...~~ except that—

(A) *the Commission shall act as the lead agency in the case of facilities permitted under subsection (b) and section 225; and*

(B) *the Department of the Interior shall act as the lead agency in the case of facilities located on a lease, easement, or right-of-way granted by the Secretary of the Interior under section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)).*

(3) To the maximum extent practicable under applicable Federal law, the ~~Secretary~~ *lead agency* shall coordinate the Federal authorization and review process under this subsection with any Indian tribes, multistate entities, and State agencies that are responsible for conducting any separate permitting and environmental reviews of the facility, to ensure timely and efficient review and permit decisions.

(4)(A) ~~As head of the lead agency, the Secretary~~ *The lead agency*, in consultation with agencies responsible for Federal authorizations and, as appropriate, with Indian tribes, multistate entities, and State agencies that are willing to coordinate their own separate permitting and environmental reviews with the Federal authorization and environmental reviews, shall establish prompt and binding intermediate milestones and ultimate deadlines for the review of, and Federal authorization decisions relating to, the proposed facility.

(B) The ~~Secretary~~ *lead agency* shall ensure that, once an application has been submitted with such data as the Secretary considers necessary, all permit decisions and related environmental reviews under all applicable Federal laws shall be completed—

- (i) within 1 year; or

(ii) if a requirement of another provision of Federal law does not permit compliance with clause (i), as soon thereafter as is practicable.

(C) The **【Secretary】** *lead agency* shall provide an expeditious pre-application mechanism for prospective applicants to confer with the agencies involved to have each such agency determine and communicate to the prospective applicant not later than 60 days after the prospective applicant submits a request for such information concerning—

- (i) the likelihood of approval for a potential facility; and
- (ii) key issues of concern to the agencies and public.

(5)(A) **【As lead agency head, the Secretary】** *The lead agency*, in consultation with the affected agencies, shall prepare a single environmental review document, which shall be used as the basis for all decisions on the proposed project under Federal law.

(B) The **【Secretary】** *lead agency* and the heads of other agencies shall streamline the review and permitting of transmission within corridors designated under section 503 of the Federal Land Policy and Management Act (43 U.S.C. 1763) by fully taking into account prior analyses and decisions relating to the corridors.

(C) The document shall include consideration by the relevant agencies of any applicable criteria or other matters as required under applicable law.

(6)(A) If any agency has denied a Federal authorization required for a transmission facility, or has failed to act by the deadline established by the **【Secretary】** *lead agency* pursuant to this section for deciding whether to issue the authorization, the applicant or any State in which the facility would be located may file an appeal with the President, who shall, in consultation with the affected agency, review the denial or failure to take action on the pending application.

(B) Based on the overall record and in consultation with the affected agency, the President may—

- (i) issue the necessary authorization with any appropriate conditions; or
- (ii) deny the application.

(C) The President shall issue a decision not later than 90 days after the date of the filing of the appeal.

(D) In making a decision under this paragraph, the President shall comply with applicable requirements of Federal law, including any requirements of—

- (i) the National Forest Management Act of 1976 (16 U.S.C. 472a et seq.);
- (ii) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);
- (iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);
- (iv) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and
- (v) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(7)(A) Not later than **【18 months after the date of enactment of this section】** *18 months after the date of enactment of the Energy Permitting Reform Act of 2024*, the **【Secretary】** *lead agency* shall issue any regulations necessary to implement this subsection.

(B)(i) Not later than [1 year after the date of enactment of this section] *18 months after the date of enactment of the Energy Permitting Reform Act of 2024*, the [Secretary] *lead agency* and the heads of all Federal agencies with authority to issue Federal authorizations shall enter into a memorandum of understanding to ensure the timely and coordinated review and permitting of electricity transmission facilities.

(ii) Interested Indian tribes, multistate entities, and State agencies may enter the memorandum of understanding.

(C) The head of each Federal agency with authority to issue a Federal authorization shall designate a senior official responsible for, and dedicate sufficient other staff and resources to ensure, full implementation of the regulations and memorandum required under this paragraph.

(8)(A) Each Federal land use authorization for an electricity transmission facility shall be issued—

(i) for a duration, as determined by the [Secretary] *lead agency*, commensurate with the anticipated use of the facility; and

(ii) with appropriate authority to manage the right-of-way for reliability and environmental protection.

(B) On the expiration of the authorization (including an authorization issued before the date of enactment of this section), the authorization shall be reviewed for renewal taking fully into account reliance on such electricity infrastructure, recognizing the importance of the authorization for public health, safety, and economic welfare and as a legitimate use of Federal land.

(9) In exercising the responsibilities under this section, the [Secretary] *lead agency* shall consult regularly with—

(A) the Federal Energy Regulatory Commission;

(B) electric reliability organizations (including related regional entities) approved by the Commission; and

(C) Transmission Organizations approved by the Commission.

(i) INTERSTATE COMPACTS.—(1) The consent of Congress is given for three or more contiguous States to enter into an interstate compact, subject to approval by Congress, establishing regional transmission siting agencies to—

(A) facilitate siting of future electric energy transmission facilities within those States; and

(B) carry out the electric energy transmission siting responsibilities of those States.

(2) The Secretary shall provide technical assistance to regional transmission siting agencies established under this subsection.

(3) The regional transmission siting agencies shall have the authority to review, certify, and permit siting of transmission facilities [, including facilities in national interest electric transmission corridors] (other than facilities on property owned by the United States).

(4) The Commission shall have no authority to issue a permit for the construction or modification of an electric transmission facility within a State that is a party to a compact, unless the Secretary determines that the members of the compact are *unable to reach an agreement on an application seeking approval by the* [in dis-

agreement after the later of **]** *unable to reach an agreement on an application seeking approval by the—*

[(A) the date that is 1 year after the date on which the relevant application for the facility was filed.]

[(B) the date that is 1 year after the date on which the relevant national interest electric transmission corridor was designated by the Secretary under subsection (a).]

(j) **RELATIONSHIP TO OTHER LAWS.**—(1) Except as specifically provided, nothing in this section affects any requirement of an environmental law of the United States, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) Subsection (h)(6) shall not apply to any unit of the National Park System, the National Wildlife Refuge System, the National Wild and Scenic Rivers System, the National Trails System, the National Wilderness Preservation System, or a National Monument.

[(k) ERCOT.—This section shall not apply within the area referred to in section 212(k)(2)(A).**]**

(k) **JURISDICTION.**—

(1) **ERCOT.**—*This section shall not apply within the area referred to in section 212(k)(2)(A).*

(2) **OTHER UTILITIES.**—

(A) **IN GENERAL.**—*For the purposes of this section, the Commission shall have jurisdiction over all transmitting utilities, including transmitting utilities described in section 201(f), but excluding any ERCOT utility (as defined in section 212(k)(2)(B)).*

(B) **CLARIFICATION.**—*Being subject to Commission jurisdiction for the purposes of this section shall not make an entity described in section 201(f) a public utility for the purposes of section 201(e).*

* * * * *

SEC. 219. TRANSMISSION INFRASTRUCTURE INVESTMENT.

(a) **RULEMAKING REQUIREMENT.**—Not later than 1 year after the date of enactment of this section, the Commission shall establish, by rule, incentive-based (including performance-based) rate treatments for the transmission of electric energy in interstate commerce by public utilities for the purpose of benefitting consumers by ensuring reliability and reducing the cost of delivered power by reducing transmission congestion.

(b) **CONTENTS.**—The rule shall—

* * * * *

(4) allow recovery of—

(A) all prudently incurred costs necessary to comply with mandatory reliability standards issued pursuant to section 215; **[and]**

(B) all prudently incurred costs related to transmission infrastructure development pursuant to section 216 **[.]**; *and*

(C) *all prudently incurred costs associated with payments to jurisdictions impacted by electric transmission facilities developed pursuant to section 216 or 225.*

* * * * *

SEC. 223. JOINT BOARDS ON ECONOMIC DISPATCH.

* * * * *

SEC. 224. TRANSMISSION STUDY.

(a) *IN GENERAL.*—Not later than 1 year after the date of enactment of this section and every 3 years thereafter, the Secretary of Energy (referred to in this section as the ‘Secretary’), in consultation with affected States and Indian Tribes, shall conduct a study of electric transmission capacity constraints and congestion.

(b) *REPORT.*—Not less frequently than once every 3 years, the Secretary, after considering alternatives and recommendations from interested parties (including an opportunity for comment from affected States and Indian Tribes), shall issue a report, based on the study under subsection (a) or other information relating to electric transmission capacity constraints and congestion, which may identify any geographic area that—

(1) is experiencing electric energy transmission capacity constraints or congestion that adversely affects consumers; or

(2) is expected to experience such energy transmission capacity constraints or congestion.

(c) *CONSULTATION.*—Not less frequently than once every 3 years, the Secretary, in conducting the study under subsection (a) and issuing the report under subsection (b), shall consult with affected transmission planning regions (as defined in section 225(a)) and any appropriate regional entity referred to in section 215.

(d) *ALASKA.*—The Secretary—

(1) shall, in consultation with the State of Alaska and affected Indian Tribes, consider any intrastate transmission capacity constraints and congestion within the State of Alaska in the study under subsection (a); and

(2) in issuing the report under subsection (b), may, subject to the approval of the Regulatory Commission of Alaska, identify any geographic area in the State of Alaska that—

(A) is experiencing electric energy transmission capacity constraints or congestion that adversely affects consumers; or

(B) is expected to experience such energy transmission capacity constraints or congestion.

SEC. 225. PLANNING FOR TRANSMISSION FACILITIES THAT ENHANCE GRID RELIABILITY, AFFORDABILITY, AND RESILIENCE.

(a) *DEFINITIONS.*—In this section:

(1) *COMMISSION.*—The term “Commission” means the Federal Energy Regulatory Commission.

(2) *ERO.*—The term “ERO” has the meaning given the term in section 215(a).

(3) *IMPROVED RELIABILITY.*—The term “improved reliability” means that, on balance, considering each of the matters described in subparagraphs (A) through (D), reliability is improved in a material manner that benefits customers through at least one of the following:

(A) facilitating compliance with a mandatory standard for reliability approved by the Commission under section 215;

(B) a reduction in expected unserved energy, loss of load hours, or loss of load probability (as defined by the ERO);

(C) facilitating compliance with a tariff requirement or process for resource adequacy on file with the Commission; and

(D) any other similar material improvement, including a reduction in correlated outage risk, such as achieved through increased geographic or resource diversification.

(4) *INTERREGIONAL TRANSMISSION FACILITY.*—The term “interregional transmission facility” means a transmission facility that—

(A) is located within 2 or more neighboring transmission planning regions; or

(B) significantly impacts the ability of 1 or more transmission planning regions to transmit electric energy among neighboring transmission planning regions.

(5) *TRANSMISSION PLANNING REGION.*—

(A) *IN GENERAL.*—The term “transmission planning region”—

(i) when used in a geographical sense, means a region for which the Commission determines that electric transmission planning is appropriate, such as a region established in accordance with Order No. 1000 of the Commission, entitled ‘Transmission Planning and Cost Allocation by Transmission Owning and Operating Public Utilities’ (76 Fed. Reg. 49842 (August 11, 2011)); and

(ii) when used in a corporate sense, means the Transmission Organization or other entity responsible for planning or operating electric transmission facilities within a region described in clause (i).

(B) *EXCLUSION.*—The term “transmission planning region” does not include the Electric Reliability Council of Texas or the region served by members of the Electric Reliability Council of Texas.

(b) *JURISDICTION.*—

(1) *ERCOT.*—This section shall not apply within the area referred to in section 212(k)(2)(A).

(2) *OTHER UTILITIES.*—

(A) *IN GENERAL.*—For the purposes of this section, the Commission shall have jurisdiction over all transmitting utilities, including transmitting utilities described in section 201(f), but excluding any ERCOT utility (as defined in section 212(k)(2)(B)).

(B) *CLARIFICATION.*—Being subject to Commission jurisdiction for the purposes of this section shall not make an entity described in section 201(f) a public utility for the purposes of section 201(e).

(c) *RULEMAKING REQUIREMENT.*—Not later than 180 days after the date of enactment of this section, the Commission shall, consistent with the requirements of this section, by rule—

(1) require neighboring transmission planning regions to jointly plan with each other;

(2) require each transmission planning region to submit to the Commission for approval a joint interregional transmission plan with each of its neighboring transmission planning regions, which requirement may, at the discretion of the trans-

mission planning region, be satisfied through the submission of—

- (A) a separate joint interregional transmission plan with each of its neighboring transmission planning regions; or
 - (B) 1 or more joint interregional transmission plans, any of which may be submitted with any 1 or more of its neighboring transmission planning regions; and
 - (3) establish rate treatments for interregional transmission planning and cost allocation.
- (d) *PLAN ELEMENTS.*—The Commission shall require, within the rule under subsection (c), that joint interregional transmission plans contain the following elements:
- (1) *COMPATIBILITY.*—A common set of input assumptions and models, on a consistent timeline, that—
 - (A) allow for the joint identification and selection, by transmission planning regions, of specific interregional transmission facilities for construction or modification, including through the use of advanced transmission conductors (including superconductors) and reconductoring;
 - (B) consider, to the extent reasonable and economical, modifications that maximize the transmission capabilities of existing towers, structures, or rights-of-way; and
 - (C) consider existing transmission plans.
 - (2) *TRANSMISSION BENEFITS.*—A common set of benefits for interregional transmission planning and cost allocation, including—
 - (A) improved reliability;
 - (B) reduced congestion;
 - (C) reduced power losses;
 - (D) greater carrying capacity;
 - (E) reduced operating reserve requirements; and
 - (F) improved access to lower cost generation that achieves reductions in the cost of delivered power.
 - (3) *SELECTION CRITERIA.*—Criteria governing the selection by transmission planning regions, for construction or modification, of interregional transmission facilities that—
 - (A) provide improved reliability;
 - (B) protect or benefit consumers; and
 - (C) are consistent with the public interest.
- (e) *DEADLINE; UPDATES.*—The joint interregional transmission plans required to be submitted to the Commission pursuant to the rule under subsection (c) shall be—
- (1) submitted to the Commission not later than 2 years after the date of enactment of this section; and
 - (2) updated not less frequently than once every 4 years.
- (f) *COMMISSION REVIEW.*—The Commission shall—
- (1) review each joint interregional transmission plan submitted pursuant to the rule under subsection (c); and
 - (2) approve the joint interregional transmission plan if the Commission finds that the plan—
 - (A) meets the requirements of subsection (d);
 - (B) allocates costs in accordance with subsection (g);
 - (C) ensures that all rates, charges, terms, and conditions will be just and reasonable and not unduly discriminatory or preferential; and

(D) is consistent with the public interest.

(g) COST ALLOCATION.—

(1) TRANSMISSION TARIFFS.—For the purposes of this section, any transmitting utility that owns, controls, or operates electric transmission facilities constructed or modified as a result of this section shall file a tariff or tariff revision with the Commission pursuant to section 205 and the regulations of the Commission allocating the costs of the new or modified transmission facilities.

(2) REQUIREMENT.—The Commission shall require that tariffs or tariff revisions filed under this section are just and reasonable and allocate the costs of providing service to customers that benefit, in accordance with the cost-causation principle, including through the benefits described in subsection (d)(2).

(3) RATEPAYER PROTECTION.—Customers that receive no benefit, or benefits that are trivial in relation to the costs sought to be allocated, from electric transmission facilities constructed or modified under this section shall not be involuntarily allocated any of the costs of those transmission facilities.

(h) CONSTRUCTION PERMIT.—For the purposes of obtaining a construction permit under section 216(b), a project that is selected by transmission planning regions pursuant to a joint interregional transmission plan shall be considered to satisfy paragraphs (2) through (6) and, if applicable, (7) of that section.

(i) DISPUTE RESOLUTION.—In the event of a dispute between transmission planning regions with respect to a material element of a joint interregional transmission plan—

(1) the transmission planning regions shall submit to the Commission their respective proposals for resolving the material element in dispute for resolution; and

(2) not later than 60 days after the proposals are submitted under paragraph (1), the Commission shall issue an order directing a resolution to the dispute.

(j) FAILURE TO SUBMIT PLAN.—In the event that neighboring transmission planning regions fail to submit to the Commission a joint interregional transmission plan under this section, the Commission shall, as the Commission determines to be appropriate—

(1) grant a request to extend the time for submission of the joint interregional transmission plan; or

(2) require, by order, the transmitting utilities within the affected transmission planning regions to comply with a joint interregional transmission plan approved by the Commission—

(A) based on the record of the planning process conducted by the affected transmission planning regions; and

(B) in accordance with the cost allocation provisions in subsection (g).

(k) NEPA.—For purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)—

(1) any approval of a joint interregional transmission plan under subsection (f) or (j) or order directing resolution of a dispute under subsection (i) shall not be considered a major Federal action; and

(2) any permit granted under section 216(b) for a project that is selected by transmission planning regions pursuant to a joint

interregional transmission plan shall be considered a major Federal action.

(1) *SAVINGS PROVISION.—Except as expressly provided in this section, nothing in this section shall be construed as conferring, limiting, or impairing any authority of the Commission under any other provision of law.*

* * * * *

BONNEVILLE PROJECT ACT OF 1937

Act of August 20, 1937, Chapter 720, as Amended

AN ACT To the completion, maintenance, and operation of Bonneville project for navigation, and for other purposes.

* * * * *

【SEC. 10. The Secretary of the Interior shall appoint, without regard to the civil-service laws, an Assistant Administrator, chief engineer, and general counsel and shall fix the compensation of each in accordance with the Classification Act of 1923, as amended. The assistant Administrator shall perform the duties and exercise the powers of the Administrator, in the event of the absence or sickness of the Administrator until such absence or sickness shall cease and in the event of a vacancy in the office of Administrator until a successor is appointed.

【(b) The Administrator, the Secretary of War, and the Federal Power Commission, respectively, are authorized to appoint, subject to the civil-service laws, such officers and employees as may be necessary to carry out the purposes of this Act, the appointment of whom is not otherwise provided for, and to fix their compensation in accordance with the Classification Act of 1923, as amended. The Administrator may employ laborers, mechanics, and workmen in connection with construction work or the operation and maintenance of electrical facilities (hereinafter called "laborers, mechanics, and workmen"), subject to the civil-service laws, and fix their compensation without regard to the Classification Act of 1923, as amended, and any other laws, rules, or regulations relating to the payment of employees of the United States except the Act of May 29, 1930 (46 Stat. 468), as amended, to the extent that it otherwise is applicable. The Administrator is further authorized to employ physicians, under agreement and without regard to civil-service laws or regulations, to make physical examinations of employees or prospective employees who are or may become laborers, mechanics, and workmen. The Administrator, the Secretary of War, and the Federal Power Commission, respectively, are also authorized to appoint, without regard to the civil-service laws, such experts as may be necessary for carrying out the functions entrusted to them under this Act and to fix the compensation of each of such experts without regard to the Classification Act of 1923, as amended, but at not to exceed \$7500 per annum.】

(a) *EMPLOYEE COMPENSATION PROGRAM.—*

(1) *IN GENERAL.—Notwithstanding any other law, rule, regulation, or directive relating to the payment of Federal employees (other than chapter 83 of title 5, United States Code), the administrator shall develop, implement, and, as appropriate, up-*

date, based on the results of an annual review under paragraph (4), a compensation plan that specifies and fixes the compensation (including salary or any other pay, bonuses, benefits, incentives, and any other form of remuneration) for employees of the administrator, including members of the Senior Executive Service (as defined in section 2101a of title 5, United States Code).

(2) *INITIAL COMPENSATION PLAN.*—

(A) *IN GENERAL.*—Not later than 1 year after the date of enactment of the Energy Permitting Reform Act of 2024, the administrator shall, in consultation with the Director of the Office of Personnel Management, and subject to confirmation and approval by the Secretary of Energy, which shall not be unreasonably withheld, develop an initial compensation plan under paragraph (1).

(B) *IMPLEMENTATION.*—Not later than 1 year after the date on which the initial compensation plan is developed under subparagraph (A), the administrator shall implement the initial compensation plan.

(3) *REQUIREMENTS.*—A compensation plan developed under paragraph (1) shall—

(A) be based on an annual survey of the prevailing compensation for similar positions in the public sectors of the electric industry;

(B) be consistent with the approved annual general and administrative budget of the administrator and encourage the widest diversified use of electric power at the lowest possible rates to consumers consistent with sound business principles;

(C) provide that education, experience, level of responsibility, geographic differences, and retention and recruitment needs are to be taken into account in determining the compensation of employees of the administrator;

(D) provide that the individual total compensation of the administrator and any employee of the administrator shall be comparable to and competitive with similar positions among consumer-owned utilities in the Western Interconnection.

(4) *ANNUAL REVIEW.*—

(A) *IN GENERAL.*—Annually, the administrator shall review and update, as appropriate, the compensation plan developed under paragraph (1).

(B) *COMPENSATION OF THE ADMINISTRATOR.*—Notwithstanding any other law, rule, regulation, or directive relating to the payment of the administrator (other than chapter 83 of title 5, United States Code), the Secretary shall periodically review and update, as appropriate, the compensation of the administrator consistent with paragraph (3)(D).

(C) *PUBLICATION OF INFORMATION.*—The administrator shall include in the quarterly public business review of the administrator or any other appropriate public review of the operations and finances of the administrator information on the applicable annual compensation plan review under subparagraph (A), including information on the amount of salaries of any employees whose annual salaries would exceed the annual rate payable for positions at Level IV of the

Executive Schedule under section 5315 of title 5, United States Code.

(5) *ANNUAL PUBLICATION.*—Annually, the administrator shall publish the compensation plan developed under paragraph (1) or updated under paragraph (4), as applicable.

(b) *APPOINTMENT; EMPLOYMENT.*—

(1) *IN GENERAL.*—The administrator may, as the administrator determines to be necessary to carry out this Act, subject to applicable civil service laws—

(A) *appoint any officers and employees;*

(B) *employ laborers, mechanics, and workers for construction work or the operation and maintenance of electrical facilities; and*

(C) *fix the compensation of individuals appointed under subparagraph (A) or (B), respectively, consistent with the applicable compensation plan developed under subsection (a)(1).*

(2) *EXEMPTION FROM CERTAIN CIVIL SERVICE LAWS.*—In carrying out the authority provided by paragraph (1), the administrator shall be exempt from chapters 34, 43, 51, 53, 57, and 59 of title 5, United States Code.

(3) *APPLICATION OF MERIT SYSTEM PRINCIPLES.*—Employees of the administrator are subject to the application of the merit system principles set forth in section 2301 of title 5, United States Code, to the extent that the principles apply to a wholly owned Government corporation.

(4) *EMPLOYMENT OF PHYSICIANS.*—The administrator may employ physicians, without regard to the civil service laws (including regulations), to perform physical examinations of employees of the administrator or prospective employees of the administrator who are or may become laborers, mechanics, and workers described in paragraph (1)(B).

(5) *EMPLOYMENT OF EXPERTS.*—The administrator may appoint, without regard to the civil service laws (including regulations), any experts that the administrator determines to be necessary to carry out the functions of the administrator under this Act.

(c) The Administrator may accept and utilize such voluntary and uncompensated services and with the consent of the agency concerned may utilize such officers, employees, or equipment of any agency of the Federal, State, or local governments which he finds helpful in carrying out the purposes of this Act; in connection with the utilization of such services, reasonable payments may be allowed for necessary travel and other expenses.

NATURAL GAS ACT

Act of June 21, 1938, Chapter 556, as Amended

AN ACT To regulate the transportation and sale of natural gas in interstate commerce, and for other purposes.

* * * * *

EXPORTATION OR IMPORTATION OF NATURAL GAS; LNG
TERMINALS

SEC. 3. (a) After six months from the date on which this act takes effect no person shall export any natural gas from the United States to a foreign country or import any natural gas from a foreign country without first having secured an order of the Commission authorizing it to do so. The Commission shall issue such order upon application, unless, after opportunity for hearing, it finds that the proposed exportation or importation will not be consistent with the public interest. The Commission may by its order grant such application, in whole or in part, with such modification and upon such terms and conditions as the Commission may find necessary or appropriate, and may from time to time, after opportunity for hearing, and for good cause shown, make such supplemental order in the premises as it may find necessary or appropriate.

(b) With respect to natural gas which is imported into the United States from a nation with which there is in effect a free trade agreement requiring national treatment for trade in natural gas, and with respect to liquefied natural gas—

(1) the importation of such natural gas shall be treated as a “first sale” within the meaning of section 2(21) of the Natural Gas Policy Act of 1978; and

(2) the Commission shall not, on the basis of national origin, treat any such imported natural gas on an unjust, unreasonable, unduly discriminatory, or preferential basis.

(c) For purposes of subsection (a), the importation of the natural gas referred to in subsection (b), or the exportation of natural gas to a nation with which there is in effect a free trade agreement requiring national treatment for trade in natural gas, shall be deemed to be consistent with the public interest, and applications for such importation or exportation shall be granted without modification or delay.

* * * * *

(e)(1) The Commission shall have the exclusive authority to approve or deny an application for the siting, construction, expansion, or operation of an LNG terminal. Except as specifically provided in this Act, nothing in this Act is intended to affect otherwise applicable law related to any Federal agency’s authorities or responsibilities related to LNG terminals.

* * * * *

(3)(A) Except as provided in subparagraph (B) *and subsection (g)*, the Commission may approve an application described in paragraph (2), in whole or part, with such modifications and upon such terms and conditions as the Commission find necessary or appropriate.

(B) Before January 1, 2015, the Commission shall not—

(i) deny an application solely on the basis that the applicant proposes to use the LNG terminal exclusively or partially for gas that the applicant or an affiliate of the applicant will supply to the facility; or

(ii) condition an order on—

(I) a requirement that the LNG terminal offer service to customers other than the applicant, or any affiliate of the applicant, securing the order:

(II) any regulation of the rates, charges, terms, or conditions of service of the LNG terminal; or

(III) a requirement to file with the Commission schedules or contracts related to the rates, charges, terms, or conditions of service of the LNG terminal.

(C) Subparagraph (B) shall cease to have effect on January 1, 2030.

* * * * *

(g) *DEADLINE TO ACT ON CERTAIN EXPORT APPLICATIONS.—*

(1) *IN GENERAL.—The Commission shall grant or deny an application under subsection (a) to export to a foreign country any natural gas from the United States not later than 90 days after the later of—*

(A) the date on which the notice of availability for each final review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the exporting facility is published with respect to an application—

(i) under subsection (e); or

(ii) for a license for the ownership, construction, or operation of a deepwater port, under section 4 of the Deepwater Port Act of 1974 (33 U.S.C. 1503); and

(B) the date of enactment of this subsection.

(2) *APPLICATIONS TO RE-EXPORT.—The Commission shall grant or deny an application under subsection (a) to re-export to another foreign country any natural gas that has been exported from the United States to Canada or Mexico for liquefaction in Canada or Mexico, or the territorial waters of Canada or Mexico, not later than 90 days after the later of—*

(A) the date on which the notice of availability for each draft review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the application is published; and

(B) the date of enactment of this subsection.

(3) *APPLICATIONS FOR EXTENSIONS.—The Commission shall grant or deny an application for an extension of a previously issued authorization to export natural gas described in paragraph (1) or (2) not later than 90 days after the later of—*

(A) the date the application for extension is received by the Commission; and

(B) the date of enactment of this subsection.

(4) *FAILURE TO ACT.—If the Commission fails to grant or deny an application subject to this subsection by the applicable date required by this subsection, the application shall be considered to be granted and a final agency order.*

* * * * *

INDIAN RIGHT OF WAY ACT

Act of February 5, 1948, Chapter 45

AN ACT To empower the Secretary of the Interior to grant rights-of-way for various purposes across lands of individual Indians or Indian tribes, communities, bands or nations.

* * * * *

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That the Secretary of the Interior be, and he is hereby, empowered to]

SECTION 1. RIGHTS-OF-WAY FOR ALL PURPOSES ACROSS INDIAN LAND.

The Secretary of the Interior may grant rights-of-way for all purposes, subject to such conditions as he may prescribe, over and across any lands now or hereafter held in trust by the United States for individual Indians or Indian tribes, communities, bands, or nations, or any lands now or hereafter owned, subject to restrictions against alienation, by individual Indians or Indian tribes, communities, bands, or nations, including the lands belonging to the Pueblo Indians in New Mexico, and any other lands heretofore or hereafter acquired or set aside for the use and benefit of Indians.

SEC. 2. No grant of a right-of-way over and across any lands belonging to a tribe [organized under the Act of June 18, 1934 (48 Stat. 984), as amended; the Act of May 1, 1936 (49 Stat. 1250); or the Act of June 26, 1936 (49 Stat. 1967),] shall be made without the consent of the proper tribal officials. Rights-of-way over and across lands of individual Indians may be granted without the consent of the individual Indian owners if (1) the land is owned by more than one person, and the owners or owner of a majority of the interests therein consent to the grant; (2) the whereabouts of the owner of the land or an interest therein are unknown, and the owners or owner of any interests therein whose whereabouts are known, or a majority thereof, consent to the grant; (3) the heirs or devisees of a deceased owner of the land or an interest therein have not been determined, and the Secretary of the Interior finds that the grant will cause no substantial injury to the land or any owner thereof; or (4) the owners of interests in the land are so numerous that the Secretary finds it would be impracticable to obtain their consent, and also finds that the grant will cause no substantial injury to the land or any owner thereof.

* * * * *

SEC. 8. TRIBAL GRANTS OF RIGHTS-OF-WAY.

(a) RIGHTS-OF-WAY.—

(1) *IN GENERAL.*—Subject to paragraph (2), an Indian tribe may grant a right-of-way over and across the Tribal land of the Indian tribe for any purpose.

(2) *AUTHORITY.*—A right-of-way granted under paragraph (1) shall not require the approval of the Secretary of the Interior or a grant by the Secretary of the Interior under section 1 if the right-of-way granted under that paragraph is executed in accordance with a Tribal regulation approved by the Secretary of the Interior under subsection (b).

(b) REVIEW OF TRIBAL REGULATIONS.—

(1) TRIBAL REGULATION SUBMISSION AND APPROVAL.—

(A) SUBMISSION.—An Indian tribe seeking to grant a right-of-way under subsection (a) shall submit for approval a Tribal regulation governing the granting of rights-of-way over and across the Tribal land of the Indian tribe.

(B) APPROVAL.—Subject to paragraph (2), the Secretary of the Interior shall have the authority to approve or disapprove any Tribal regulation submitted under subparagraph (A).

(2) CONSIDERATIONS FOR APPROVAL.—

(A) IN GENERAL.—The Secretary of the Interior shall approve a Tribal regulation submitted under paragraph

(1)(A), if the Tribal regulation—

(i) is consistent with any regulations (or successor regulations) issued by the Secretary of the Interior under section 4;

(ii) provides for an environmental review process that includes—

(I) the identification and evaluation of any significant impacts the proposed action may have on the environment; and

(II) a process for ensuring—

(aa) that the public is informed of, and has a reasonable opportunity to comment on, any significant environmental impacts of the proposed action identified by the Indian tribe under subclause (I); and

(bb) the Indian tribe provides a response to each relevant and substantive public comment on the significant environmental impacts identified by the Indian tribe under subclause (I) before the Indian tribe approves the right-of-way.

(B) APPLICABLE LAWS.—The Secretary of the Interior, in making a decision to approve a Tribal regulation under this subsection, shall not be subject to—

(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(ii) section 306108 of title 54, United States Code; or

(iii) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(3) REVIEW PROCESS.—

(A) IN GENERAL.—Not later than 180 days after the date on which the Indian tribe submits a Tribal regulation to the Secretary of the Interior under paragraph (1)(A), the Secretary of the Interior shall—

(i) review the Tribal regulation;

(ii) approve or disapprove the Tribal regulation; and

(iii) notify the Indian tribe that submitted the Tribal regulation of the approval or disapproval.

(B) WRITTEN DOCUMENTATION.—If the Secretary of the Interior disapproves a Tribal regulation submitted under paragraph (1)(A), the Secretary of the Interior shall include with the disapproval notification under subparagraph

(A)(iii) written documentation describing the basis for the disapproval.

(C) *EXTENSION.*—The Secretary of the Interior may, after consultation with the Indian tribe that submitted a Tribal regulation under paragraph (1)(A), extend the 180-day period described in subparagraph (A).

(4) *FEDERAL ENVIRONMENTAL REVIEW.*—Notwithstanding paragraphs (2) and (3), if an Indian tribe carries out a project or activity funded by a Federal agency, the Indian tribe may rely on the environmental review process of the applicable Federal agency rather than any Tribal environmental review process required under this subsection.

(c) *DOCUMENTATION.*—An Indian tribe granting a right-of-way under subsection (a) shall provide to the Secretary of the Interior—

(1) a copy of the right-of-way, including any amendments or renewals; and

(2) if the right-of-way allows for compensation to be made directly to the Indian tribe, documentation of payments that are sufficient, as determined by the Secretary of the Interior, as to enable the Secretary of the Interior to discharge the trust responsibility of the United States under subsection (d).

(d) *TRUST RESPONSIBILITY.*—

(1) *IN GENERAL.*—The United States shall not be liable for losses sustained by any party to a right-of-way granted under subsection (a).

(2) *AUTHORITY OF THE SECRETARY.*—

(A) *IN GENERAL.*—Pursuant to the authority of the Secretary of the Interior to fulfill the trust obligation of the United States to the applicable Indian tribe under Federal law (including regulations), the Secretary of the Interior may, on reasonable notice from the applicable Indian tribe and at the discretion of the Secretary of the Interior, enforce the provisions of, or cancel, any right-of-way granted by the Indian tribe under subsection (a).

(B) *AUTHORITY.*—The enforcement or cancellation of a right-of-way under subparagraph (A) shall be conducted using regulatory procedures issued under section 6.

(e) *COMPLIANCE.*—

(1) *IN GENERAL.*—An interested party, after exhaustion of any applicable Tribal remedies, may submit a petition to the Secretary of the Interior, at such time and in such form as determined by the Secretary of the Interior, to review the compliance of an applicable Indian tribe with a Tribal regulation approved by the Secretary of the Interior under subsection (b).

(2) *VIOLATIONS.*—If the Secretary of the Interior determines that a Tribal regulation was violated after conducting a review under paragraph (1), the Secretary of the Interior may take any action the Secretary of the Interior determines to be necessary to remedy the violation, including rescinding the approval of the Tribal regulation and reassuming responsibility for approving rights-of-way through the trust land of the applicable Indian tribe.

(3) *DOCUMENTATION.*—If the Secretary of the Interior determines that a Tribal regulation was violated after conducting a

review under paragraph (1), the Secretary of the Interior shall—

(A) provide written documentation, with respect to the Tribal regulation that has been violated, to the appropriate interested party and Indian tribe;

(B) provide the applicable Indian tribe with a written notice of the alleged violation; and

(C) prior to the exercise of any remedy, including rescinding the approval for the applicable Tribal regulation or re-assuming responsibility for approving rights-of-way through the trust land of the applicable Indian tribe, provide the applicable Indian tribe with—

(i) a hearing that is on the record; and

(ii) a reasonable opportunity to cure the alleged violation.

(f) SAVINGS CLAUSE.—Nothing in this section affects the application of any Tribal regulations issued under Federal environmental law.

(g) EFFECT OF TRIBAL REGULATIONS.—An approved Tribal regulation under subsection (b) shall not preclude an Indian tribe from, in the discretion of the Indian tribe, consenting to the grant of a right-of-way by the Secretary of the Interior under section 1.

(h) TERMS OF RIGHT-OF-WAY.—The compensation for, and terms of, a right-of-way granted under subsection (a) will be determined by—

(1) negotiations by the Indian tribe; or

(2) the regulations of the Indian tribe.

(i) JURISDICTION.—The grant of a right-of-way under subsection (a) does not waive the sovereign immunity of the Indian tribe or diminish the jurisdiction of that Indian tribe over the Tribal land subject to the right-of-way, unless otherwise provided in—

(1) the grant of the right-of-way; or

(2) the regulations of the Indian tribe.

OUTER CONTINENTAL SHELF LANDS ACT

Act of August 7, 1953, Chapter 345, as Amended

AN ACT To provide for the jurisdiction of the United States over the submerged lands of the outer Continental Shelf, and to authorize the Secretary of the Interior to lease such lands for certain purposes.

* * * * *

SEC. 8. LEASES, EASEMENTS, AND RIGHTS-OF-WAY ON THE OUTER CONTINENTAL SHELF.—

* * * * *

(p) LEASES, EASEMENTS, OR RIGHTS-OF-WAY FOR ENERGY AND RELATED PURPOSES.—

* * * * *

(4) REQUIREMENTS.—The Secretary shall ensure that any activity under this subsection is carried out in a manner that provides for—

* * * * *

(I) **prevention of interference with reasonable uses** *prevention of unreasonable interference with other uses* (as determined by the Secretary) of the exclusive economic zone, the high seas, and the territorial seas;

* * * * *

[(10) APPLICABILITY.—This subsection does not apply to any area on the outer Continental Shelf within the exterior boundaries of any unit of the National Park System, National Wildlife Refuge System, or National Marine Sanctuary System, or any National Monument.]

(10) APPLICABILITY.—

(A) IN GENERAL.—*Except as provided in subparagraph (B), this subsection does not apply to any area on the outer Continental Shelf within the exterior boundaries of any unit of the National Park System, the National Wildlife Refuge System, the National Marine Sanctuary System, or any National Monument.*

(B) EXCEPTION.—*Notwithstanding subparagraph (A), the Secretary, in consultation with the Secretary of Commerce under section 304(d) of the National Marine Sanctuaries Act (16 U.S.C. 1434(d)), may grant rights-of-way on the outer Continental Shelf within units of the National Marine Sanctuary System for the transmission of electricity generated by or produced from renewable energy.*

(11) DURATION OF PERMITS IN MARINE SANCTUARIES.—*Notwithstanding section 310(c)(2) of the National Marine Sanctuaries Act (16 U.S.C. 1441(c)(2)), any permit or authorization granted under that Act that authorizes the installation, operation, or maintenance of electric transmission cables on a right-of-way granted by the Secretary described in paragraph (10)(B) shall be issued for a term equal to the duration of the right-of-way granted by the Secretary.*

* * * * *

GEOTHERMAL STEAM ACT OF 1970

Public Law 91–581

AN ACT To authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes.

* * * * *

SEC. 4. LEASING PROCEDURES.

(a) **NOMINATIONS.—**The Secretary shall accept nominations of land to be leased at any time from qualified companies and individuals under this Act.

(b) **COMPETITIVE LEASE SALES REQUIRED.—**

(1) IN GENERAL.—Except as otherwise specifically provided by this Act, all land to be leased that is not subject to leasing under subsection (c) shall be leased as provided in this subsection to the highest responsible qualified bidder, as determined by the Secretary.

(2) COMPETITIVE LEASE SALES.—The Secretary shall hold a competitive lease sale at least once **every 2 years** *per year* for

land in a State that has nominations pending under subsection (a) if the land is otherwise available for leasing.

* * * * *

(5) *REPLACEMENT SALES.*—If a lease sale under this section for a year is cancelled or delayed, the Secretary shall conduct a replacement sale not later than 180 days after the date of the cancellation or delay, as applicable, and the replacement sale may not be cancelled or delayed.

* * * * *

(g) *AREA SUBJECT TO LEASE FOR DIRECT USE.*—

(1) *IN GENERAL.*—Subject to paragraph (2), a geothermal lease for the direct use of geothermal resources shall cover not more than the quantity of acreage determined by the Secretary to be reasonable necessary for the proposed use.

(2) *LIMITATIONS.*—The quantity of acreage covered by the lease shall not exceed the limitations established under section 7.

(h) *DEADLINES FOR CONSIDERATION OF GEOTHERMAL DRILLING PERMITS.*—

(1) *IN GENERAL.*—Not later than 10 days after the date on which the Secretary receives an application for any geothermal drilling permit, the Secretary shall—

(A) provide written notice to the applicant that the application is complete; or

(B) notify the applicant that information is missing from the application and specify any information that is required to be submitted for the application to be complete.

(2) *DECISION.*—Not later than 30 days after the date on which an applicant submits a complete application for a geothermal drilling permit under paragraph (1), the Secretary shall—

(A) grant or deny the application, if the requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any other applicable law have been completed; or

(B) defer the decision on the application and provide to the applicant notice—

(i) that specifies steps that the applicant can take for the decision on the application to be issued; and

(ii) of a list of actions that need to be taken by the agency in order to comply with applicable law, and timelines and deadlines for completing those actions.

* * * * *

[SEC. 24. RULES AND REGULATIONS.]

The Secretary]

SEC. 24. RULES AND REGULATIONS.

The Secretary shall prescribe such rules and regulations as he may deem appropriate to carry out the provisions of this Act. Such regulations may include, without limitation, provisions for (a) the prevention of waste, (b) development and conservation of geothermal and other natural resources, (c) the protection of the public interest, (d) assignment, segregation, extension of terms, relinquishment of leases, development contracts, unitization, pooling,

and drilling agreements, (e) compensatory royalty agreements, suspension of operations or production, and suspension or reduction of rental or royalties, (f) the filing of surety bonds to assure compliance with the terms of the lease and to protect surface use and resources, (g) use of the surface by a lessee of the lands embraced in his lease, (h) the maintenance by the lessee of an active development program, and (i) protection of water quality and other environmental qualities. *The Secretary shall, not later than 180 days after the date of enactment of the Energy Permitting Reform Act of 2024, promulgate rules for cost recovery, to be paid by permit applicants or lessees, to facilitate the timely coordination and processing of leases, permits, and authorizations and to reimburse the Secretary for all reasonable administrative costs incurred from the inspection and monitoring of activities thereunder.*

* * * * *

DEPARTMENT OF ENERGY ORGANIZATION ACT

Public Law 95–91

AN ACT To establish a Department of Energy in the executive branch by the reorganization of energy functions within the Federal Government in order to secure effective management to assure a coordinated national energy policy, and for other purposes.

* * * * *

TITLE IV—FEDERAL ENERGY REGULATORY COMMISSION APPOINTMENT AND ADMINISTRATION

SEC. 401. (a) There is hereby established within the Department of Energy an independent regulatory commission to be known as the Federal Energy Regulatory Commission.

* * * * *

(k) ADDRESSING INSUFFICIENT COMPENSATION OF EMPLOYEES AND OTHER PERSONNEL OF THE COMMISSION.—

* * * * *

(2) CERTIFICATION OF REQUIREMENTS.—A certification issued under paragraph (1) shall—

(A) apply with respect to a category of employees or other personnel responsible for conducting work of a scientific, technological, engineering, [or mathematical] *mathematical, economic, or legal* nature;

* * * * *

[(6) CONSULTATION REQUIRED.—The Chairman shall consult with the Director of the Office of Personnel Management in implementing this subsection, including in the determination of the amount of compensation with respect to each category of employees or other personnel.]

[(7)] (6) EXPERTS AND CONSULTANTS.—

* * * * *

PACIFIC NORTHWEST ELECTRIC POWER PLANNING AND CONSERVA- TION ACT

Public Law 117–286

AN ACT To assist the electric consumers of the Pacific Northwest through use of the Federal Columbia River Power System to achieve cost-effective energy conservation, to encourage the development of renewable energy resources, to establish a representative regional power planning process, to assure the region of an efficient and adequate power supply, and for other purposes.

* * * * *

REGIONAL PLANNING AND PARTICIPATION

SEC. 4. (a)(1) The purposes of this section are to provide for the prompt establishment and effective operation of the Pacific Northwest Electric Power and Conservation Planning Council, to further the purposes of this Act by the Council promptly preparing and adopting (A) a regional conservation and electric power plan and (B) a program to protect, mitigate, and enhance fish and wildlife, and to otherwise expeditiously and effectively carry out the Council's responsibilities and functions under this Act.

* * * * *

(c)(1) The provisions of this subsection shall, except as specifically provided in this subsection, apply to the Council established pursuant to either subsection (a) or (b) of this section.

* * * * *

(10)(A) At the request of the Council, the Administrator shall pay from funds available to the Administrator the compensation and other expenses of the Council as are authorized by this Act, including the reimbursement of those States with members on the Council for services and personnel to assist in preparing a plan pursuant to subsection (d) and a program pursuant to subsection (h) of this section, as the Council determines are necessary or appropriate for the performance of its functions and responsibilities. Such payments shall be included by the Administrator in his annual budgets submitted to Congress pursuant to the Federal Columbia River Transmission System Act and shall be subject to the requirements of that Act, including the audit requirements of section 11(d) of such Act. The records, reports, and other documents of the Council shall be available to the Comptroller General for review in connection with such audit or other review and examination by the Comptroller General pursuant to other provisions of law applicable to the Comptroller General. Funds provided by the Administrator for such payments shall not exceed annually an amount equal to 0.02 mill multiplied by the kilowatt hours of firm power forecast to be sold by the Administrator during the year to be funded. In order to assist the Council's initial organization, the Administrator after the

enactment of this Act shall promptly prepare and propose an amended annual budget to expedite payment for Council activities.

(B) Notwithstanding the limitation contained in the fourth sentence of subparagraph (A) of this paragraph, upon an annual showing by the Council that such limitation will not permit the Council to carry out its functions and responsibilities under this Act the Administrator may raise such limit up to any amount not in excess of 0.10 mill multiplied by the kilowatt hours of firm power forecast to be sold by the Administrator during the year to be funded **[.]**, *adjusted for inflation since the date of enactment of the Energy Permitting Reform Act of 2024.*

* * * * *

OMNIBUS BUDGET RECONCILIATION ACT OF 1993

Public Law 103–66

AN ACT To provide for reconciliation pursuant to section 7 of the concurrent resolution on the budget for fiscal year 1994.

* * * * *

TITLE X—NATURAL RESOURCES PROVISIONS

* * * * *

Subtitle B—Hardrock Mining Claim Maintenance Fee

SEC. 10101. FEE.

(a) CLAIM MAINTENANCE FEE.—

(1) LODE MINING CLAIMS, MILL SITES, AND TUNNEL SITES.—

[The holder of]

(A) *IN GENERAL.*—*The holder of each unpatented lode mining claim, mill site, or tunnel site, located pursuant to the mining laws of the United States before, on, or after August 10, 1993, shall pay to the Secretary of the Interior, on or before September 1 of each year, to the extent provided in advance in appropriations Acts, a claim maintenance fee of \$100 per claim or site, respectively. [Such claim maintenance fee]*

(B) *FEE.*—*The claim maintenance fee under subparagraph (A) shall be in lieu of the assessment work requirement contained in [the Mining Law of 1872 (30 U.S.C. 28–28e)] sections 2319 through 2344 of the Revised Statutes (30 U.S.C. 22 et seq.) and the related filing requirements contained in section 314 (a) and (c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(a) and (c)).*

(2) PLACER MINING CLAIMS.—**[The holder of]**

(A) *IN GENERAL.*—*The holder of each unpatented placer mining claim located pursuant to the mining laws of the United States before, on, or after August 10, 1993, shall*

pay to the Secretary of the Interior, on or before September 1 of each year, the claim maintenance fee described in subsection (a)(1), for each 20 acres of the placer claim or portion thereof. **【Such claim maintenance fee】**

*(B) FEE.—The claim maintenance fee under subparagraph (A) shall be in lieu of the assessment work requirement contained in **【the Mining Law of 1872 (30 U.S.C. 28–28e)】** sections 2319 through 2344 of the Revised Statutes (30 U.S.C. 22 et seq.) and the related filing requirements contained in section 314(a) and (c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1744(a) and (c)).*

(b) **TIME OF PAYMENT.—【The claim maintenance fee】**

*(1) IN GENERAL.—The claim maintenance fee under subsection (a) shall be paid for the year in which the location is made, at the time the location notice is recorded with the Bureau of Land Management. **【The location fee】***

(2) FEE.—The location fee imposed under section 10102 shall be payable not later than 90 days after the date of location.

* * * * *

(d) **WAIVER.—(1)** The claim maintenance fee required under this section may be waived for a claimant who certifies in writing to the Secretary that on the date the payment was due, the claimant and all related parties—

(A) held not more than 10 mining claims, mill sites, or tunnel sites, or any combination thereof, on public lands; and

*(B) have performed assessment work required under **【the Mining Law of 1872 (30 U.S.C. 28–28e)】** sections 2319 through 2344 of the Revised Statutes (30 U.S.C. 22 et seq.) to maintain the mining claims held by the claimant and such related parties for the assessment year ending on noon of September 1 of the calendar year in which payment of the claim maintenance fee was due.*

* * * * *

ENERGY POLICY ACT OF 2005

Public Law 109–58

AN ACT To ensure jobs for our future with secure, affordable, and reliable energy.

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TITLE II—RENEWABLE ENERGY

* * * * *

Subtitle G—Miscellaneous

* * * * *

SEC. 390. NEPA REVIEW.

(a) **NEPA REVIEW.—**Action by the Secretary of the Interior in managing the public lands, or the Secretary of Agriculture in managing National Forest System Lands, with respect to any of the ac-

tivities described in subsection (b) shall be subject to a rebuttable presumption that the use of a categorical exclusion under the National Environmental Policy act of 1969 [(NEPA)] (42 U.S.C. 4321 et seq.) (referred to in this section as “NEPA”) would apply if the activity is conducted pursuant to the Mineral Leasing Act (30 U.S.C. 181 et seq.) for the purpose of exploration or development of oil or gas, or the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) for purpose of exploration or development of geothermal resources.

(b) ACTIVITIES DESCRIBED.—The activities referred to in subsection (a) are the following:

* * * * *

(2) Drilling an [oil or gas] oil, gas, or geothermal resources well at a location or well pad site at which drilling has occurred previously within 5 years prior to the date of spudding the well.

(3) Drilling an [oil or gas] oil, gas, or geothermal resources well within a developed field for which an approved land use plan or any environmental document prepared pursuant to NEPA analyzed such drilling as a reasonable foreseeable activity, so long as such plan or document was approved within 5 years prior to the date of spudding the well.

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TITLE XII—ELECTRICITY

* * * * *

Subtitle B—Transmission Infrastructure Modernization

* * * * *

SEC. 1222. THIRD PARTY FINANCE.

(a) EXISTING FACILITIES.—The Secretary, acting through the Administrator of the Western Area Power Administration (hereinafter in this section referred to as “WAPA”), or through the Administrator of the Southwestern Power Administration (hereinafter in this section referred to as “SWPA”), or both, may design, develop, construct, operate, maintain, or own, or participate with other entities in designing, developing, constructing, operating, maintaining, or owning, an electric power transmission facility and related facilities (“Project”) needed to upgrade existing transmission facilities owned by SWPA or WAPA if the Secretary, in consultation with the applicable Administrator, determines that the proposed Project—

(1)(A) is located [in a national interest electric transmission corridor designated under section 216(a)] in a geographic area identified under section 224 of the Federal Power Act and will reduce congestion of electric transmission in interstate commerce; or

(B) is necessary to accommodate an actual or projected increase in demand for electric transmission capacity;

* * * * *

(b) NEW FACILITIES.— The Secretary, acting through WAPA or SWPA, or both, may design, develop, construct, operate, maintain, or own, or participate with other entities in designing, developing, constructing, operating, maintaining, or owning, a new electric power transmission facility and related facilities (“Project”) located within any State in which WAPA or SWPA operates if the Secretary, in consultation with the applicable Administrator, determines that the proposed Project—

(1)(A) is located **in a national interest electric transmission corridor designated under section 216(a)** *in a geographic area identified under section 224 of the Federal Power Act* and will reduce congestion of electric transmission in interstate commerce; or

(B) is necessary to accommodate an actual or projected increase in demand for electric transmission capacity;

* * * * *

ENERGY ACT OF 2020

Division Z of the Consolidated Appropriations Act, 2021, Public Law 116–260

* * * * *

TITLE III—RENEWABLE ENERGY AND STORAGE

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Subtitle B—Natural Resources Provisions

SEC. 3101. DEFINITIONS.

In this subtitle:

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(4) ELIGIBLE PROJECT.—The term “eligible project” means a project carried out on covered land that uses wind, solar, or geothermal energy to generate *or store* energy.

* * * * *

SEC. 3102. PROGRAM TO IMPROVE ELIGIBLE PROJECT PERMIT COORDINATION.

(a) ESTABLISHMENT.—The Secretary shall establish a national Renewable Energy Coordination Office and State, district, or field offices, as appropriate, with responsibility to establish and implement a program to improve Federal permit coordination with respect to eligible projects on covered land and such other activities as the Secretary determines necessary. In carrying out the program, the Secretary may temporarily assign qualified staff to Renewable Energy Coordination Offices to expedite the permitting of eligible projects *sufficient to achieve goals for renewable energy production on Federal land established under section 3104.*

* * * * *

(f) *RENEWABLE ENERGY PROJECT REVIEW STANDARDS.*—Not later than 2 years after the date of enactment of the Energy Permitting Reform Act of 2024, for the purpose of encouraging standardized reviews and facilitating the permitting of eligible projects, the National Renewable Energy Coordination Office of the Bureau of Land Management shall promulgate renewable energy project review standards to be adopted by regional renewable energy coordination offices.

(g) *CLARIFICATION OF EXISTING AUTHORITY.*—Under section 307 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737), the Secretary may accept donations from renewable energy companies to improve community engagement for the permitting of energy projects.

[(f)] (h) *REPORT TO CONGRESS.*—

* * * * *

SEC. 3104. NATIONAL GOAL FOR RENEWABLE ENERGY PRODUCTION ON FEDERAL LAND.

(a) *IN GENERAL.*—Not later than September 1, 2022, the Secretary shall, in consultation with the Secretary of Agriculture and other heads of relevant Federal agencies, establish and periodically revise national goals for renewable energy production on Federal land.

(b) *MINIMUM PRODUCTION GOAL.*—The Secretary shall seek to issue permits that, in total, authorize production of not less than 25 gigawatts of electricity from wind, solar, and geothermal energy projects by not later than 2025, through management of public lands and administration of Federal laws.

(c) *PERMITTING.*—Subject to the limitations described in section 50265(b)(1) of Public Law 117–169 (43 U.S.C. 3006(b)(1)), the Secretary shall, in consultation with the heads of relevant Federal agencies, seek to issue permits that authorize, in total, sufficient electricity from eligible projects to meet or exceed the national goals established and revised under this section.

* * * * *

INFRASTRUCTURE INVESTMENT AND JOBS ACT

Public Law 117–58

AN ACT To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

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DIVISION D—ENERGY

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TITLE I—GRID INFRASTRUCTURE AND RESILIENCY

Subtitle A—Grid Infrastructure Resiliency and Reliability

* * * * *

SEC. 40106. TRANSMISSION FACILITATION PROGRAM.

* * * * *

(h) PUBLIC-PRIVATE PARTNERSHIPS.—The Secretary may participate with an eligible entity with respect to an eligible project under subsection (e)(1)(C) if the Secretary determines that the eligible project—

(1)(A) is located [in an area designated as a national interest electric transmission corridor pursuant to section 216(a) of the Federal Power Act 16 U.S.C. 824p(a)] *in a geographic area identified under section 224 of the Federal Power Act*; or

* * * * *

INFLATION REDUCTION ACT

Public Law 117–169

AN ACT To provide for reconciliation pursuant to title II of S. Con. Res. 14.

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TITLE V—COMMITTEE ON ENERGY AND NATURAL RESOURCES

Subtitle A—Energy

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PART 5—ELECTRIC TRANSMISSION

SEC. 50151. TRANSMISSION FACILITY FINANCING.

* * * * *

(b) USE OF FUNDS.—The Secretary shall use the amounts made available by subsection (a) to carry out a program to pay the costs of direct loans to non-Federal borrowers, subject to the limitations that apply to loan guarantees under section 50141(d) and under such terms and conditions as the Secretary determines to be appropriate, for the construction or modification of electric transmission [facilities designated by the Secretary to be necessary in the nation interest under section 216(a) of the Federal Power Act (16 U.S.C. 824p(a))] *facilities in a geographic area identified under section 224 of the Federal Power Act*.

* * * * *

PART 6—FOSSIL FUEL RESOURCES

* * * * *

SEC. 50265. ENSURING ENERGY SECURITY.

* * * * *

(b) **LIMITATION ON ISSUANCE OF CERTAIN LEASES OR RIGHTS-OF-WAY.**—During the 10-year period beginning on the date of enactment of this Act—

(1) the Secretary may not issue a right-of-way for wind or solar energy development on Federal land unless—

(A) an onshore lease sale has been held during the 120-day period ending on the date of the issuance of the right-of-way for wind or solar energy development; and

(B) the sum total of acres offered for lease in onshore lease sales during the 1-year period ending on the date of the issuance of the right-of-way for wind or solar energy development, *including only acres that were nominated in previously submitted expressions of interest*, is not less than the lesser of—

(i) 2,000,000 acres; and

(ii) 50 percent of the acreage for which expressions of interest have been submitted for lease sales during that period; and

* * * * *

